

EXHIBIT 6



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490	7590	02/26/2014		
WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER LOPEZ, RICARDO E.	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			02/26/2014	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Office Action Summary	Application No. 12/460,763	Applicant(s) TERRACINO ET AL.	
	Examiner RICARDO E. LOPEZ	Art Unit 1786	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 20 March 2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) 1-8 and 17-24 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 1-8 and 17-24 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some * c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

4) ☐ Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's Amendments (to Claims and Specification), and Accompanying Remarks filed on March 20, 2013 have been entered and carefully considered. Claims 1 – 8 and 17 – 24 are all the pending claims in this application. In view of amendment and after careful consideration of Applicant's arguments, the Examiner has maintained the 103 rejections over Zegler as detailed in the Office Action dated November 29, 2012. The invention as currently claimed is not found to be patentable for reasons herein below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 8 and 17 – 24 are rejected under Zegler et al. US 5,567,497 (Zegler) in view of Bell US 2,274,468 or in view of Harrison et al. US 3,565,661 (Harrison).

4. Considering claims 1 – 8 and 17 – 24, Zegler teaches a floor covering 10, which comprises (i) a floor covering layer, exemplified by a thermoplastic-backed carpet 20 illustrated in FIG. 2, comprising a face layer, exemplified in FIG. 2 by a tufted carpet and a thermoplastic lower backing layer 34, and (ii) a thermoplastic contact layer 40 that is fusible compatible with and fused to the lower backing layer 34. As used herein, the term "fusible compatible" when referring to two thermoplastics in adjacent layers means thermoplastics which can be permanently fused to one another under heat and pressure without any external attachment enhancer, such as a mechanical fastener or an adhesive. The term "fused" when referring to two contacting thermoplastic layers indicates that the layers are permanently bonded without the use of any external attachment enhancer. Therefore, lower backing layer 34 and contact layer 40 after they have been fused together may be consider as a "single lower" resilient layer, which the Examiner equates to the claimed single lower layer. Further, Zegler teaches that the thermoplastic contact layer 40 includes on its lower surface a plurality of shallow thermoplastic projections, exemplified by dimples or nodules in FIG. 4 - 8, which extend away from the face layer 30. These thermoplastic projections are sufficiently elastic to impart skid resistance to said floor covering [Col. 3, lines 34 – 52 and FIG. 4].

Furthermore, Zegler teaches that the lower surface of the contact layer 40 includes a plurality of shallow projections extending away from the floor covering face

layer. The individual projections extend in the direction away from the visual surface of the floor covering sufficiently that they will penetrate carpet yarns when the floor covering overlies a carpeted surface. Projections which extend between about 0.010 inches and 0.1 inches are preferred [Col. 4, lines 51 – 60]. Further, Zegler also teaches referring to FIGS. 5 and 7, the contact layer 70 comprises an open weave fabric scrim 72 and irregularly-sized semi-ovoid thermoplastic nodules 71 located on the scrim fibers 73, although those skilled in this art will appreciate that a number of suitable shapes for nodules are suitable, including semi-spherical, prismatic, pyramidal, and the like. Recesses 74 are located in the space bounded by the nodules 71, the scrim fibers 73, and the lower surface of the lower backing layer 64. The arrangement of the nodules 71 on the scrim 72, and accordingly on contact layer 70, is random, but it will be appreciated by those skilled in the art that any number of regular or irregular nodule patterns are suitable and is limited only by the pattern of scrim fibers 73 [Col. 6, lines 33 – 47].

Although Zegler teaches that the face layer can be any material that would be suitable for use as the visual or working surface of an overlying floor covering [Col. 3, lines 52 – 54]; it does not specifically recognize that the face layer is an absorbent, plain woven layer, free of projecting cut pile. However, this is remedied by Bell or Harrison et al.

With regard to the limitations requiring a canvas, this is remedied by Bell. Bell teaches making a floor covering or a non-slip mat wherein the backing layer is a canvas. Therefore, a person having ordinary skill in the art at the time the invention

was made would have found it obvious to use a canvas as one of the layers in their mat. One would have been motivated in doing so in order to create a mat that was flexible.

With regard to the limitations requiring woven cotton, this is remedied by Harrison et al. Harrison et al. teaches making a floor covering or a non-slip mat wherein the backing layer is woven cotton. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to use woven cotton as one of the layers in their mat. One would have been motivated in doing so in order to create a mat that was flexible and could easily absorb any coating that could be further applied to it, or simply to be absorbent in nature.

As to the new limitation requiring the drop cloth to be conformable, this is also rendered obvious by the combination Zegler in view of Harrison, because both references recognize flexibility as a desired property of the suggested floor covering or drop cloth. In Harrison's disclosure at [Col. 1, lines 48 – 51] it is taught that the base material in sheet form may be woven cotton fabric, felt, paper, metal foil, woven fiberglass or synthetic mesh material, or any flexible sheet material which can be supplied in roll form. In Zegler's case, the disclosure at [Col. 4, lines 10 – 13] teaches that a preferred thermoplastic suitable for the lower backing layer is a plastisol containing polymers and copolymers of a vinyl compound, which the Examiner considers to be inherently flexible.

Response to Arguments

5. Applicant's Amendments and Accompanying Remarks filed on March 20, 2013 have been entered and carefully considered. In view of amendment and after careful consideration of Applicant's arguments, the Examiner has maintained the 103 rejections over Zegler as detailed in the Office Action dated November 29, 2012. The invention as currently claimed is not found to be patentable for reasons herein above.

6. Regarding Applicant's arguments with respect to claims 1 – 8 and 17 – 24, these have been considered but are not persuasive for the following reasons.

Applicant traverses the rejections of amended claims over the art cited in previous Office Action on the basis that the cited prior art, Zegler, Bell and Harrison, teaches floor coverings that are used on flat surfaces. These prior art patents do not teach painter's drop cloths or the ability of the floor coverings to be conformable to irregular surfaces such as stairs. Zegler teaches "skid-resistance floor covering suitable for use on hard surface or carpeted floors". There is no teaching of conformability or ability to use the floor covering on steps or irregular surfaces. Harrison teaches a floor covering with an abrasive substance in grit form. Again there is no teaching of conformability or ability to use the floor covering on steps or irregular surfaces. Bell teaches a floor covering with a flexible backing cloth but when the ribs are attached to the top of the backing cloth the flexibility is lost.

In response to these arguments, the Examiner submits that as set forth above the cited prior art recognizes flexibility as a desired property of the suggested floor covering or drop cloth. In Harrison's disclosure at [Col. 1, lines 48 – 51] it is taught that the base material in sheet form may be woven cotton fabric, felt, paper, metal foil, woven fiberglass or synthetic mesh material, or any flexible sheet material which can be supplied in roll form. In Zegler's case, the disclosure at [Col. 4, lines 10 – 13] teaches that a preferred thermoplastic suitable for the lower backing layer is a plastisol containing polymers and copolymers of a vinyl compound, which the Examiner considers to be inherently flexible.

As to the arguments directed to the allegedly difference between a floor covering and a drop cloth, the Examiner submits that the intended use of the claimed article (painter's drop cloth), does not distinguish the claimed article from prior art, and notes that it has been held that a claim containing a "recitation with respect to the manner in which a claimed article is intended to be employed does not differentiate the claimed article from a prior art article if the prior art article teaches all the structural limitations of the claim. *Exparte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). In the instant case, the article suggested by the combination Zegler in view of Harrison, as set forth above meets all compositional and structural characteristics of the claimed article, including the new limitation of being conformable.

7. Applicant in the Remarks requested the Examiner to consider the “secondary evidence of long term need” shown during interview on January 24, 2013 and the secondary evidence of long term need mailed to the Examiner on February 18, 2013.

8. In response to this request, the Examiner notes first that the evidence shown during interview, which consisted of 7 samples of drop cloths available in the marketplace, as well as a sample of the instant invention (which was left with the Examiner); and a video (photographs were mailed at the later date) showing Applicant's claimed article being used as painter's drop cloth on stairs, as a dance floor mat and as an auto repair shop protective cloth mat; along with the empirical comparative test performed by Applicant at the time of interview can hardly be considered “secondary evidence of a long term need” as defined by the MPEP at 716.04. In fact the very same samples shown during interview contradict Applicant's claim of “long felt need in the art”, because among said samples there were conformable painter's drop clothes having some degree of coefficient of friction in the lower surface; and therefore considered and marketed by their manufacturers as non-skid drop cloths.

Further, for the record the Examiner notes that the evidence mentioned just above has been considered in maintaining the rejections as set forth above, and that it is deemed to be not persuasive in rebutting the 103 obviousness rejections of record. Furthermore, the Examiner makes of record three of the photographs mentioned above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO E. LOPEZ whose telephone number is (571)-270-1150. The examiner can normally be reached on Monday to Thursday 8:00 am-5:30pm EST, and every other Friday from 8:00 am to 4:30 pm..

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Chriss can be reached on (571)-272-7783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REL/

Ricardo E. Lopez

Patent Examiner, Art Unit 1786

Notice of References Cited	Application/Control No. 12/460,763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.	
	Examiner RICARDO E. LOPEZ	Art Unit 1786	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Photographs 1, 2 and 3 of claimed article being used. 06/2013
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20130624

Search Notes 	Application/Control No. 12460763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.
	Examiner Ricardo E. Lopez	Art Unit 1786

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
428	88, 95	07/23/2012	REL

SEARCH NOTES		
Search Notes	Date	Examiner
east notes attached	03/22/2010	AP
updated	9/11/2010	AP
EAST Search History Attached	07/23/2012	REL
Inventor and Assignee search	07/23/2012	REL
Updated EAST Search History Attached	06/25/2013	REL

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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EAST Search History

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	("20110017341").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/20 12:42
S2	5	((("6946183") or ("2274468") or ("3565661"))).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/20 14:00
S8	44	((nonskid or nonslip or non-slip or non-skid or antiskid or anti-skid or protective or drop) with (drop cloth or covering or pad or mat or cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vacuum cup or cleat)) same ((fabric or cloth or woven) same (cotton or canvas))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 11:33
S9	13	S8 and (hollow or depression or pit or indentation or dent or dint or bump)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 11:37
S10	656	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR	OR	ON	2012/07/23 12:07
S11	859	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2012/07/23 12:07
S12	205	S11 and (hollow or depression or pit or indentation or dent or dint or bump)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 12:08
S13	27	S12 and (dimple or convex)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 12:08
S14	3	((("5567497") or ("5173346") or ("4917932"))).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/23 12:15
S15	8	(zegler near2 stephen).in.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/23 15:25
S16	2529	428/95,88.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/23 15:26
S17	10	S16 and ((nonskid or nonslip) same (covering or pad or mat))	US-PGPUB; USPAT;	OR	OFF	2012/07/23 15:27

file:///C:/Users/rlopez/Documents/e-Red%20Folder/12460763/EASTSearchHistory.12460763_AccessibleVersion.htm[6/25/2013 4:41:35 PM]

EAST Search History

			USOCR			
S18	1	("20080131680").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/06/24 11:52
S19	18	(drop near3 (cloth or mat))same skid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2013/06/25 10:37
S20	274	(floor near3 cover\$3) same skid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2013/06/25 10:48
S21	30	(floor near3 cover\$3) same (skid and woven)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2013/06/25 10:48

6/ 25/ 2013 4:41:24 PM

C:\Users\rlopez\Documents\EAST\Workspaces\Non-skid cloth.wsp

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	12/460,763
	Filing Date	7/27/2009
	First Named Inventor	Terracino, Bradie
	Art Unit	1786
	Examiner Name	Ricardo E. Lopez
	Attorney Docket Number	WS-119

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____.
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	/william g. sykes/	Date	3/20/2013
Name (Print/Type)	William G. Sykes	Registration No.	50704

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	/william g. sykes/	Date	3/20/2013
Name (Print/Type)	William G. Sykes	Date	3/20/2013

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for RCEs

(not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:

Request for Suspension of Action:

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/460,763 Conf. No. 2753
Applicant : Bradie Terracino et al.
Filed : July 27, 2009
TC/A.U. : 1786
Examiner : Ricardo E. Lopez
Docket No. : WS-119
Title : NON-SKID PROTECTIVE CLOTH OR PAD
Customer No. : 71490

R E S P O N S E

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

S I R:

In response to the Office Action of November 29, 2012
please amend the above-identified patent application as
follows:

Amendments to the Specification begin on page 2.

Listing of the Claims begins on page 5 of this paper.

Remarks/Arguments begin on page 11 of this paper.

Docket No. WS-119

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Application. No. 12/460,763
Amendment dated September 6, 2012
Reply to Office Action of August 2, 2012

Amendments to the Specification:

Kindly amend the specification as indicated.

Kindly amend the paragraph beginning on page 1, line 3 as indicated:

The invention pertains to protective cloths or pads and more particularly, to a protective conformable painter's drop cloth or pad that has a non-skid backing to hold the conformable painter's drop cloth or pad in position during use.

Kindly amend the paragraph beginning on page 7, line 2 as indicated:

In accordance with the present invention there is provided a two-layer, non-skid protective pad for use as a conformable painter's drop cloth or as a protective pad for surfaces such as boat decks, airplane wings or other surfaces where a non-skid pad is essential. The pad has a woven upper member, typically of a cotton canvas-like material, and a lower, resilient member. The two layers are typically stitched together. The lower, resilient member typically comprises downward-projecting dimples, often of two or more different sizes. The dimples are joined by a grid of resilient material. In alternate embodiments, an impervious member may be inserted between the upper and lower members.

Application. No. 12/460,763
Amendment dated September 6, 2012
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Kindly amend the paragraph beginning on page 7, line 15
as indicated:

It is, therefore, an object of the invention to provide a
protective conformable painter's drop cloth or pad that
includes a resilient, non-skid surface to prevent movement of
the cloth or pad on the surface upon which it is placed.

Kindly amend the paragraph beginning on page 8, line 1 as
indicated:

It is another object of the invention to provide a
protective painter's drop cloth or pad which is conformable to
irregular surfaces such as stairs and remains in position once
placed thereupon.

Kindly amend the paragraph beginning on page 13, line 13
as indicated:

Cloth 100 may also be utilized to protect a delicate
surface from being scratched or marred. One environment where
conformable painter's drop cloth 100 is particularly useful is
when conforming to ~~on~~ a set of stairs. Once positioned, the
conformable painter's drop cloth 100 remains in place, thereby
providing a safe, stable surface on the stairs as workman
ascend and descend the stairs. It will be recognized that the
choice of materials, weights, thicknesses, etc. will determine

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the overall flexibility of painter's drop cloth 100 for
applications such as stairs.

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Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1. (currently amended) A non-skid protective conformable painter's drop cloth or pad, consisting of:

- a) a single, absorbent, plain woven upper layer free from any projecting cut pile and having an upper and a lower major surface;
- b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, woven upper layer; and
- c) means for fastening said single, absorbent, upper, woven layer to said single lower resilient layer.

Claim 2. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 1,

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wherein said single, absorbent, woven, upper layer comprises a plain woven cotton fabric.

Claim 3. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 1, wherein said single, absorbent, woven, upper layer comprises canvas.

Claim 4. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 1, wherein said single lower, resilient layer comprises a network of downward projecting dimples interconnected by a resilient grid.

Claim 5. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different diameters.

Claim 6. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 4,

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wherein said downward projecting dimples comprise dimples of
at least two different heights.

Claim 7. (currently amended) The non-skid protective
conformable painter's drop cloth or pad as recited in claim 4,
wherein said downward projecting dimples are separated one
from another by an inter-dimple space.

Claim 8. (currently amended) The non-skid protective
conformable painter's drop cloth or pad as recited in claim 1,
wherein said means for fastening comprises at least one from
the group: stitching, adhesive, hook-and-loop fasteners, and
mechanical fasteners.

Claims 9 - 16 (cancelled)

Claim 17. (currently amended) A non-skid protective
conformable painter's drop cloth or pad, consisting of:

a) a single, absorbent, plain woven upper layer free
from any projecting cut pile and having an upper and a lower
major surface;

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b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, plain woven upper layer;

c) an impervious member interposed between said single, absorbent, plain woven upper layer and said single lower, resilient member;

d) means for fastening said single, absorbent, upper, woven layer to said interposed impervious member and said single lower resilient layer.

Claim 18. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 17, wherein said single, absorptive woven, upper layer comprises a woven cotton fabric.

Claim 19. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim

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17, wherein said woven, single, absorbent upper layer
comprises canvas.

Claim 20. (currently amended) The non-skid protective
conformable painter's drop cloth or pad as recited in claim
17, wherein said single lower, resilient layer comprises a
network of downward projecting dimples interconnected by a
resilient grid.

Claim 21. (currently amended) The non-skid protective
conformable painter's drop cloth or pad as recited in claim
20, wherein said downward projecting dimples comprise dimples
of at least two different diameters.

Claim 22. (currently amended) The non-skid protective
conformable painter's drop cloth or pad as recited in claim
20, wherein said downward projecting dimples comprise dimples
of at least two different heights.

Claim 23. (currently amended) The non-skid protective
conformable painter's drop cloth or pad as recited in claim

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20, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

Claim 24. (currently amended) The non-skid protective conformable painter's drop cloth or pad as recited in claim 17, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

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REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the following remarks. The specification has been amended. Claims 1 - 8 and Claims 17 - 24 have been amended. Claims 9 - 16 were previously cancelled.

The applicants amended the specification and claims to better point out the teaching of applicants' invention as a conformable non-skid painter's drop cloth. The painter's drop cloth is conformable to irregular surfaces such as stairs. Conformable to irregular surfaces is used in the specification to show the painter's drop cloth is flexible. As shown below the original specification on page 7 line 2 teaches a painter's drop cloth:

"In accordance with the present invention there is provided a two-layer, non-skid protective pad for use as a **painter's drop cloth** or as a protective pad for surfaces such as boat decks, airplane wings or other surfaces where a non-skid pad is essential. The pad has a woven upper member, typically of a cotton canvas-like material, and a lower, resilient member. The two layers are typically stitched together. The lower, resilient member typically comprises downward-projecting dimples, often of two or more different sizes. The dimples are joined by a grid of resilient

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material. In alternate embodiments, an impervious member may be inserted between the upper and lower members."

The original specification on page 8 line 1 teaches the cloth is conformable:

"It is another object of the invention to provide a protective cloth or pad which is **conformable to irregular surfaces such as stairs** and remains in position once placed thereupon."

The cited prior art, Zegler, Bell and Harrison, teaches floor coverings that are used on flat surfaces. These prior art patents do not teach painter's drop cloths or the ability of the floor coverings to be conformable to irregular surfaces such as stairs. Zegler teaches "skid-resistance floor covering suitable for use on hard surface or carpeted floors". There is no teaching of conformability or ability to use the floor covering on steps or irregular surfaces. Harrison teaches a floor covering with an abrasive substance in grit form. Again there is no teaching of conformability or ability to use the floor covering on steps or irregular surfaces. Bell teaches a floor covering with a flexible backing cloth but when the ribs are attached to the top of the backing cloth the flexibility is lost. The ribs are not flexible.

Applicants request Mr. Lopez to consider the secondary evidence they provided at the January 24, 2013 office meeting

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and the secondary evidence they mailed to Mr. Lopez on February 18, 2013. This secondary evidence shows the long term need of the applicant's conformable painter's drop cloth. The most relevant secondary evidence was paint cloth samples from seven (7) different companies and videos showing the applicants testing their conformable painter's non-skid drop cloth and other drop cloths. Conformability to irregular surfaces such as stairs and the ability of the painter's drop cloth being non-skid has been a long term need and a major unsolved problem. The value in these samples and test is to show the long term need of applicant's drop cloth. The large number of manufacturers trying to solve the problem helps to show the long term need for a conformable non-skid painter's drop cloth. These are some of the largest manufacturing companies in the USA such as DuPont and 3M. These companies have tried to solve the long term need of a conformable non-skid painter's drop cloth but have failed as seen by the applicant's demonstrations. Painters have used painter's drop cloths for hundreds of years. One of the applicants is a painter and has been a painter for 47 years and he testified to the long term need for a conformable non-skid painter's drop cloth. Presently and in the past painter's have been

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using paper and tape to cover the stairs while they are painting the ceiling and or walls. The tape and paper method is expensive and very time consuming. The painter's drop cloths currently in the market are not skid proof and conformable to the shape of the stairs and are dangerous to use. The secondary evidence provided by and testified to by the applicants proves the long term need for a conformable non-skid painter's drop cloth. The applicants' conformable non-skid painter's drop cloth satisfies this long term need.

Applicants respectfully requests that as claims 1 - 8 and 17 - 24 continue to be in condition for allowance that these claims be allowed and the application now be passed to issue.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On March 20, 2013
(Date of Deposit)

/William G. Sykes/ 3/20/2013
William G. Sykes, Esq. Reg. No. 50,704 (Date)
Attorney

/william g. sykes/
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3699 Seagull Bluff Drive
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Phone: (757) 490-8586
Fax: (757) 363-3405

Electronic Patent Application Fee Transmittal				
Application Number:		12460763		
Filing Date:		27-Jul-2009		
Title of Invention:		Non-skid protective cloth or pad		
First Named Inventor/Applicant Name:		Bradie Terracino		
Filer:		William Gray Sykes		
Attorney Docket Number:		WS - 119		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				850

Electronic Acknowledgement Receipt	
EFS ID:	15311355
Application Number:	12460763
International Application Number:	
Confirmation Number:	2753
Title of Invention:	Non-skid protective cloth or pad
First Named Inventor/Applicant Name:	Bradie Terracino
Customer Number:	71490
Filer:	William Gray Sykes
Filer Authorized By:	
Attorney Docket Number:	WS - 119
Receipt Date:	20-MAR-2013
Filing Date:	27-JUL-2009
Time Stamp:	16:06:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 850
RAM confirmation Number	2767
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Request for Continued Examination (RCE)	sb0030_3_20_2013_F.pdf	82783 fb316a0efbc57e1150c1a9f3218765cdf07f15bf	no	3
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Amendment After Final	12460763_Terracino_4th_Amendment_F.pdf	40673 c2d304759be161a1303c063d8884c059ba007	no	14
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	29993 5f6cd016ca53d4b4f0f0284e25a9a1f63d2e53e1	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			153449		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/460,763		Filing Date 07/27/2009		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I									
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)		
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 = *		X \$ =		OR	X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		X \$ =			X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT	03/20/2013	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	* 16	Minus	** 20	= 0	X \$40 =	0	OR	X \$ =	
Independent (37 CFR 1.16(b))	* 2	Minus	*** 3	= 0	X \$210 =	0	OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
Independent (37 CFR 1.16(b))	*	Minus	***	=	X \$ =		OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

Legal Instrument Examiner:
/KAREN WASHINGTON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490	7590	02/21/2013		
WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER LOPEZ, RICARDO E.	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			02/21/2013	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Applicant-Initiated Interview Summary	Application No.		Applicant(s)	
	12/460,763		TERRACINO ET AL.	
	Examiner		Art Unit	
	RICARDO E. LOPEZ		1786	

All participants (applicant, applicant's representative, PTO personnel):

(1) RICARDO E. LOPEZ. (3) Bradie Terracino.

(2) William Sykes. (4) Robert Terracino.

Date of Interview: 24 January 2013.

Type: ☐ Telephonic ☐ Video Conference
☒ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☒ Yes ☐ No.
If Yes, brief description: A square foot sample of the claimed article. Photographs showing applications of the claimed article; and non-skid products currently being sold in the market place.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1-8 and 17-24.

Identification of prior art discussed: Prior Art of Record.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The interview was granted by the Examiner in order to provide guidance as to amendment to be entered with an RCE. During interview, the Exhibits noted above were discussed. Further, the Examiner explained in detail the grounds of rejection under 103 over the references Zegler in view of Bell or Harrison. Applicant enquired as to secondary evidence based on unexpected results and Long felt Need. The Examiner indicated that based on the prior art of record the unexpected results approach will not provide persuasive evidence, and that long felt need would be consider as to providing sufficient probative value according to MPEP 716.01(b). The Examiner suggested to incorporate in the claims language related to structural characteristics and numerical values for physical properties of the claimed article (indicating the need for support in the specification as filed). The Examiner confirmed his position during a follow up phone call to Applicant, after reviewing the case (including Exhibits) with his Supervisor. .

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/REL/	/Jennifer A Chriss/ Supervisory Patent Examiner, Art Unit 1786
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



EXED 571-273-8300 & MAILED:

February 18, 2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	12/460,763	Conf. No. 2753
Applicant	:	Bradie Terracino et al.	
Filed	:	July 27, 2009	
TC/A.U.	:	1786	
Examiner	:	Ricardo E. Lopez	
Docket No.	:	WS-119	
Title	:	NON-SKID PROTECTIVE CLOTH OR PAD	
Customer No.	:	71490	

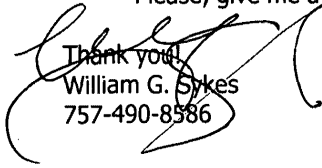
Dear Mr. Lopez:

We really appreciate the time you spent with us on January 24, 2013. We showed you six (6) different paint clothes that are trying to solve the slipping problem. As you can see from our demonstration many companies have tried to solve the slipping problem, even 3M, but no one has. You also witnessed our demonstration proving that our invention has solved the problem. Our paint cloth does not slip. Slipping paint clothes are a serious problem and they have caused many accidents.

The other day when we spoke you said there is a non-slip paint cloth, called CoverGrip, in the market that is just like our paint cloth. I looked up the website you gave me and we ordered this paint cloth. The design of this paint cloth is not like our design. This cloth has rubber spots sprayed on to a single layer of cloth. This is the same design as the gloves that have been in the market for years. The gloves are a single layer of material with rubber spots sprayed on the outside of the glove.

We tested the CoverGrip paint cloth and compared it to our paint cloth. The test results proves that our paint cloth does not slip and the CoverGrip paint does slip. We performed three different test and the results are the same. I am mailing you a disc with our three short videos showing our three test. I am also mailing you a sample of the CoverGrip paint cloth. Can you please look at our short videos before making your final decision?

Please, give me a call if you have any questions.



Thank you!
William G. Sykes
757-490-8586



Office Meeting, January 24, 2013

Paint cloths sliding is the problem the invention solves:

Look at the picture of the paint cloth on the steps.
Look at the picture of the granddaughter twirling.
Bob has been a painter for 47 years - He can explain the danger and problem.
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- 1 Trimaco & Dupont One Tuff 4'x15' slip resistant runner.
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- 3 Reaves Butyl 5'x5' Drop non slip backing
- 4 Trimaco Stay Put vinyl dropcloth New slip resistant
- 5 3M Flex & Form conformable staircase runner
- 6 Kimberly Clark 4'x20' drop cloth

Demonstrate our invention:

It produces unexpected or surprising results.

Solution of a long-felt need:

How long and how many painters have needed this cloth. (Forever)

Commercial Success: (Bradie can explain)

Sherman & Williams
3M - They have tried to make one but failed
Francis Calvert - Show his email

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

12460763ZA

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

☐

CD(s) containing:

computer program listing

Doc Code: Computer

☐

Artifact Type Code: P

pages of specification

and/or sequence listing

and/or table

Doc Code: Artifact

☐

Artifact Type Code: S

content unspecified or combined

Doc Code: Artifact

☐

Artifact Type Code: U

☐

Stapled Set(s) Color Documents or B/W Photographs

Doc Code: Artifact Artifact Type Code: C

☐

Microfilm(s)

Doc Code: Artifact Artifact Type Code: F

☐

Video tape(s)

Doc Code: Artifact Artifact Type Code: V

☐

Model(s)

Doc Code: Artifact Artifact Type Code: M

☐

Bound Document(s)

Doc Code: Artifact Artifact Type Code: B

☐

Confidential Information Disclosure Statement or Other Documents
marked Proprietary, Trade Secrets, Subject to Protective Order,
Material Submitted under MPEP 724.02, etc.

Doc Code: Artifact Artifact Type Code X

☐

1

Other, description: **DVD**

Doc Code: Artifact Artifact Type Code: Z

March 8, 2004

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

12460763MA

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

☐

CD(s) containing:

computer program listing

Doc Code: Computer

☐

Artifact Type Code: P

pages of specification

and/or sequence listing

and/or table

Doc Code: Artifact

☐

Artifact Type Code: S

content unspecified or combined

Doc Code: Artifact

☐

Artifact Type Code: U

☐

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☐

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Doc Code: Artifact Artifact Type Code: V

☒

1

Model(s)

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☐

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Doc Code: Artifact Artifact Type Code: B

☐

Confidential Information Disclosure Statement or Other Documents
marked Proprietary, Trade Secrets, Subject to Protective Order,
Material Submitted under MPEP 724.02, etc.

Doc Code: Artifact Artifact Type Code X

☐

Other, description: _____

Doc Code: Artifact Artifact Type Code: Z

March 8, 2004

FEB 19 2013

3669 Seagull Bluff Drive • Virginia Beach, Virginia 23455 • Office: 757-490-8586 • Fax: 757-363-3405 • william@williamsykeslaw.com

FAXED 571-273-8300 & MAILED:

February 18, 2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	12/460,763	Conf. No. 2753
Applicant	:	Bradie Terracino et al.	
Filed	:	July 27, 2009	
TC/A.U.	:	1786	
Examiner	:	Ricardo E. Lopez	
Docket No.	:	WS-119	
Title	:	NON-SKID PROTECTIVE CLOTH OR PAD	
Customer No.	:	71490	

Dear Mr. Lopez:

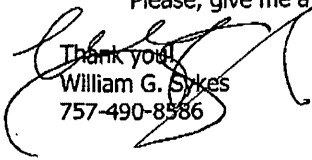
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1 | Page

Please, give me a call if you have any questions.



Thank you,
William G. Sykes
757-490-8586

BEST AVAILABLE COPY² | Page

PAGE 2/3 * RCVD AT 2/18/2013 3:32:57 PM [Eastern Standard Time] * SVR:W-PTOFAX-001/9 * DNIS:2738300 * CSID: * DURATION (mm-ss):00:49

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FEB 19 2013

Office Meeting, January 24, 2013

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3 | Page

PAGE 3/3 * RCVD AT 2/18/2013 3:32:57 PM (Eastern Standard Time) * SVR:WPTOFAX-001/9 * DNIS:2738300 * CSID: * DURATION (mm-ss):00:49

ASU

Sykes Law
www.williamsykeslaw.com



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MAILED & FAXED (571-273-8300)

January 15, 2013

Ricardo E. Lopez,
Primary Examiner
Commissioner Pro Patents
P. O. Box 1450
Alexandria, VA 22313-1450

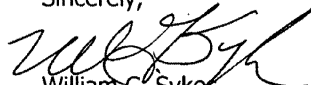
Re: Appl. No. : 12/460,763
 Applicant : Bradie Terracino et al.
 Filed : July 27, 2009
 Examiner : Ricardo E. Lopez
 Title : NON-SKID PROTECTIVE CLOTH OR PAD

Dear Mr. Lopez:

Thank you for allowing us to meet with you and Jennifer Chriss on January 24, 2013 in your office at 1:00 pm. We want to show you our invention and the other products currently in the market that are trying to solve the same problem that our invention solves. You will see that the current market products do not solve the problem and our invention does. We will explain how our invention provides a solution to a long-felt unsolved need and how our invention produces many unexpected and surprising results. We will explain the difference between our invention and the prior art. We will also show you evidence of our invention's current commercial success.

Our demonstration will be short and to the point and take very little time. Please give me a call if you have any questions or need any additional information.

Sincerely,


William G. Sykes

William Sykes Law
www.williamsykeslaw.com

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JAN 15 2013

3669 Seagull Bluff Drive • Virginia Beach, Virginia 23455 • Office: 757-490-8586 • Fax: 757-363-3405 • william@williamsykeslaw.com

MAILED & FAXED (571-273-8300)

January 15, 2013

Ricardo E. Lopez,
Primary Examiner
Commissioner Pro Patents
P. O. Box 1450
Alexandria, VA 22313-1450

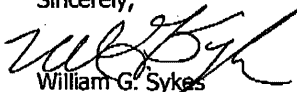
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Sincerely,


William G. Sykes

PAGE 1/1 * RCVD AT 1/15/2013 1:17:28 PM [Eastern Standard Time] * SVR:WPTOFAX-001/6 * DNIS:2738300 * CSID: * DURATION (mm:ss):00:22



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490	7590	11/29/2012		
WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER LOPEZ, RICARDO E.	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			11/29/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/460,763	Applicant(s) TERRACINO ET AL.	
	Examiner RICARDO E. LOPEZ	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 06 September 2012.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) 1-8 and 17-24 is/are pending in the application.
 5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 1-8 and 17-24 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	3) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____.	4) <input type="checkbox"/> Other: ____.

DETAILED ACTION

1. Applicant's Amendments and Accompanying Remarks filed on September 06, 2012 has been entered and carefully considered. Claims 1 – 8 and 17 – 24 are all the pending claims in this application. After careful consideration of Applicant's arguments, the Examiner has maintained the 103 rejections over Zegler as detailed in the Office Action dated August 02, 2012. The invention as currently claimed is not found to be patentable for reasons herein below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 8 and 17 – 24 are rejected under Zegler et al. US 5,567,497 (Zegler) in view of Bell US 2,274,468 or in view of Harrison et al. US 3,565,661 (Harrison).

4. Considering claims 1 – 8 and 17 – 24, Zegler teaches a floor covering 10, which comprises (i) a floor covering layer, exemplified by a thermoplastic-backed carpet 20 illustrated in FIG. 2, comprising a face layer, exemplified in FIG. 2 by a tufted carpet and

a thermoplastic lower backing layer 34, and (ii) a thermoplastic contact layer 40 that is fusible compatible with and fused to the lower backing layer 34. As used herein, the term "fusible compatible" when referring to two thermoplastics in adjacent layers means thermoplastics which can be permanently fused to one another under heat and pressure without any external attachment enhancer, such as a mechanical fastener or an adhesive. The term "fused" when referring to two contacting thermoplastic layers indicates that the layers are permanently bonded without the use of any external attachment enhancer. Therefore, lower backing layer 34 and contact layer 40 after they have been fused together may be consider as a "single lower" resilient layer, which the Examiner equates to the claimed single lower layer. Further, Zegler teaches that the thermoplastic contact layer 40 includes on its lower surface a plurality of shallow thermoplastic projections, exemplified by dimples or nodules in FIG. 4 - 8, which extend away from the face layer 30. These thermoplastic projections are sufficiently elastic to impart skid resistance to said floor covering [Col. 3, lines 34 – 52 and FIG. 4].

Furthermore, Zegler teaches that the lower surface of the contact layer 40 includes a plurality of shallow projections extending away from the floor covering face layer. The individual projections extend in the direction away from the visual surface of the floor covering sufficiently that they will penetrate carpet yarns when the floor covering overlies a carpeted surface. Projections which extend between about 0.010 inches and 0.1 inches are preferred [Col. 4, lines 51 – 60]. Further, Zegler also teaches referring to FIGS. 5 and 7, the contact layer 70 comprises an open weave fabric scrim 72 and irregularly-sized semi-ovoid thermoplastic nodules 71 located on the scrim fibers

73, although those skilled in this art will appreciate that a number of suitable shapes for nodules are suitable, including semi-spherical, prismatic, pyramidal, and the like.

Recesses 74 are located in the space bounded by the nodules 71, the scrim fibers 73, and the lower surface of the lower backing layer 64. The arrangement of the nodules 71 on the scrim 72, and accordingly on contact layer 70, is random, but it will be appreciated by those skilled in the art that any number of regular or irregular nodule patterns are suitable and is limited only by the pattern of scrim fibers 73 [Col. 6, lines 33 – 47].

Although Zegler teaches that the face layer can be any material that would be suitable for use as the visual or working surface of an overlying floor covering [Col. 3, lines 52 – 54]; it does not specifically recognize that the face layer is an absorbent, plain woven layer, free of projecting cut pile. However, this is remedied by Bell or Harrison et al.

With regard to the limitations requiring a canvas, this is remedied by Bell. Bell teaches making a floor covering or a non-slip mat wherein the backing layer is a canvas. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to use a canvas as one of the layers in their mat. One would have been motivated in doing so in order to create a mat that was flexible.

With regard to the limitations requiring woven cotton, this is remedied by Harrison et al. Harrison et al. teaches making a floor covering or a non-slip mat wherein the backing layer is woven cotton. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to use woven cotton as

one of the layers in their mat. One would have been motivated in doing so in order to create a mat that was flexible and could easily absorb any coating that could be further applied to it, or simply to be absorbent in nature.

Response to Arguments

5. Applicant's Amendments and Accompanying Remarks filed on September 06, 2012 has been entered and carefully considered. After careful consideration of arguments, the Examiner has maintained the 103 rejections over Zegler as detailed in the Office Action dated August 02, 2012. The invention as currently claimed is not found to be patentable for reasons herein above.

6. Regarding Applicant's arguments with respect to claims 1 – 8 and 17 – 24, these have been considered but are not persuasive for the following reasons.

Applicant traverses the rejections in previous Office Action on the basis that nowhere does ZEGLER teach or suggest "a single, absorbent, plain woven upper layer free from any projecting cut pile..." Further, Applicant's opinion is that it would not be obvious to modify the ZEGLER structure as such a modification would result in the ZEGLER structure(s) being unsuitable for their original intended use(s). In response to these arguments, the Examiner submits that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of

references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In the instant case as set forth above, Zegler teaches that the face layer can be any material that would be suitable for use as the visual or working surface of an overlying floor covering [Col. 3, lines 52 – 54]. It is the combination of the Zegler with Bell or with Harrison et al. that suggests the claimed structure.

7. Applicant also reminds the Examiner of the ultimate use of Applicants' novel cloth structure as a painter's drop cloth, and notes that as has been previously emphasized, Applicants' disclosed and claimed structure allows it safe use on stairways when it remains in place without slipping.

In response to these arguments the Examiner notes that the intended use of the claimed article is not included as a limitation in any of the claims; and reminds Applicant that, even if this was the case, it has been held that a claim containing a "recitation with respect to the manner in which a claimed article is intended to be employed does not differentiate the claimed article from a prior art article if the prior art article teaches all the structural limitations of the claim. *Exparte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

8. Applicant also argues that nothing in the teaching of BELL and or HARRISON overcomes the limitations of the ZEGLER as a reference. Consequently, Applicants

believe that their claims previously presented are patentably distinct from any structure taught or suggested by ZEGLER in view of HARRISON and further in view of BELL.

In response to these arguments, the Examiner first clarifies that the rejections are based on the combinations of Zegler in view of Bell, or Zegler in view of Harrison. Further, the Examiner notes that as set forth above, with regard to the limitations requiring a canvas, this is remedied by Bell, because Bell teaches making a floor covering or a non-slip mat wherein the backing layer is a canvas. With regard to the limitations requiring woven cotton, this is remedied by Harrison et al., because Harrison et al. teaches making a floor covering or a non-slip mat wherein the backing layer is woven cotton. Additionally, the Examiner has provided reasonable motivations to combine said references.

9. Applicant also believes that a two-layer fused thermoplastic layer is not necessarily functionally equivalent to Applicants' "single lower, resilient layer"; and notes that as best understood by Applicant, ridges 41 might well be interpreted as yet a third layer.

In response, the Examiner submits that these arguments are based on an unsubstantiated statement, and therefore do not provide any evidence as to rebut the prima facie case of obviousness.

10. The Examiner acknowledges Applicant's offer to provide a sample of the claimed article; and notes that said sample might indeed help to explain the differences

between the claimed article and the articles suggested by the combination of references. However, the Examiner also notes that said differences (assuming that the differences exist) need to be incorporated in the language of the claims.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO E. LOPEZ whose telephone number is (571)-270-1150. The examiner can normally be reached on Monday to Thursday 8:00 am-5:30pm EST, and every other Friday from 8:00 am to 4:30 pm..

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Chriss can be reached on (571)-272-7783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1786

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/
Supervisory Patent Examiner, Art Unit 1786

/REL/
Ricardo E. Lopez
Patent Examiner, Art Unit 1786

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/460,763 Conf. No. 2753
Applicant : Bradie Terracino et al.
Filed : July 27, 2009
TC/A.U. : 1786
Examiner : Ricardo E. Lopez
Docket No. : WS-119
Title : NON-SKID PROTECTIVE CLOTH OR PAD
Customer No. : 71490

R E S P O N S E

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

S I R:

In response to the Office Action of August 2, 2012 please
amend the above-identified patent application as follows:

Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

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Amendment dated September 6, 2012
Reply to Office Action of August 2, 2012

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1. (previously presented) A non-skid protective cloth or pad, consisting of:

a) a single, absorbent, plain woven upper layer free from any projecting cut pile and having an upper and a lower major surface;

b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, woven upper layer; and

c) means for fastening said single, absorbent, upper, woven layer to said single lower resilient layer.

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Claim 2. (previously presented) The non-skid protective cloth or pad as recited in claim 1, wherein said single, absorbent, woven, upper layer comprises a plain woven cotton fabric.

Claim 3. (previously presented) The non-skid protective cloth or pad as recited in claim 1, wherein said single, absorbent, woven, upper layer comprises canvas.

Claim 4. (previously presented) The non-skid protective cloth or pad as recited in claim 1, wherein said single lower, resilient layer comprises a network of downward projecting dimples interconnected by a resilient grid.

Claim 5. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different diameters.

Claim 6. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different heights.

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Claim 7. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

Claim 8. (original) The non-skid protective cloth or pad as recited in claim 1, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

Claims 9 - 16 (cancelled)

Claim 17. (previously presented) A non-skid protective cloth or pad, consisting of:

a) a single, absorbent, plain woven upper layer free from any projecting cut pile and having an upper and a lower major surface;

b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single

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lower resilient layer being disposed adjacent said lower layer
of said single, absorbent, plain woven upper layer;

c) an impervious member interposed between said single,
absorbent, plain woven upper layer and said single lower,
resilient member;

d) means for fastening said single, absorbent, upper,
woven layer to said interposed impervious member and said
single lower resilient layer.

Claim 18. (previously presented) The non-skid protective
cloth or pad as recited in claim 17, wherein said single,
absorptive woven, upper layer comprises a woven cotton fabric.

Claim 19. (previously presented) The non-skid protective
cloth or pad as recited in claim 17, wherein said woven,
single, absorbent upper layer comprises canvas.

Claim 20. (previously presented) The non-skid protective
cloth or pad as recited in claim 17, wherein said single

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lower, resilient layer comprises a network of downward projecting dimples interconnected by a resilient grid.

Claim 21. (previously presented) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples comprise dimples of at least two different diameters.

Claim 22. (previously presented) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples comprise dimples of at least two different heights.

Claim 23. (previously presented) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

Claim 24. (previously presented) The non-skid protective cloth or pad as recited in claim 17, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

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REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the following remarks. Claims 9 - 16 were previously cancelled. No claims have been amended. Claims 1 - 8 and 17 - 24 remain in the case.

Claims 1 - 8 and 17 - 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,567,497 for SKID-RESISTANT FLOOR COVERING AND METHOD OF MAKING SAME issued October 22, 1996 to Stephen A. Zegler et al., hereinafter ZEGLER, in view of United States Patent No. 2,274,468 for FLOOR COVERING issued February 24, 1942 to Harry W. Bell and further in view of United States Patent No. 3,565,661 for FLOOR COVERING AND THE LIKE issued February 23, 1971 to Alan Morley Harrison et al., hereinafter HARRISON.

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ZEGLER teaches a multi-layer floor covering adapted for creating a non-skid surface on a variety of floor coverings. Such floor coverings "can take many other forms, including but not limited to a carpet tile, a carpeted mat, and a rubber-faced anti-fatigue mat." [Column 3, lines 30 - 32] In ZEGLER Fig. 2 which Examiner Lopez has relied upon describes a face layer:

"The face layer can be any material that would be suitable for use as the visual or working surface of an overlying floor covering. Generally the face layer is a decorative surface, such as a tufted carpet, woven carpet, linoleum tile, or vinyl flooring, but could also comprise a non-decorative surface, such as a rubber surface for use in an anti-fatigue work mat. The exemplary thermoplastic-backed carpet 20 of Fig. 2 comprises as its face layer the tufted carpet 30, which comprises a fabric primary backing layer 31 and tufted yarns 32 secured through and to the fabric backing layer 31 to provide a tufted pile face surface 33. The primary backing layer 31 is illustrated as a woven polypropylene cloth, but those skilled in this art will understand that the primary backing can be any fabric or non-fabric backing known

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to be suitable for retaining carpet yarns 32." [Column 3,
lines 53 - 67] [Emphasis added]

In both their independent claims 1 and 17, Applicants
claim:

"1. A non-skid protective cloth or pad, consisting of:

a) a single, absorbent, plain woven upper layer free
from any projecting cut pile and having an upper and a lower
major surface;

b) a single lower, resilient layer having an upper and
a lower major surface, said upper major surface of said single
lower resilient layer being disposed adjacent said lower layer
of said single, absorbent, woven upper layer; and

c) means for fastening said single, absorbent, upper,
woven layer to said single lower resilient layer."

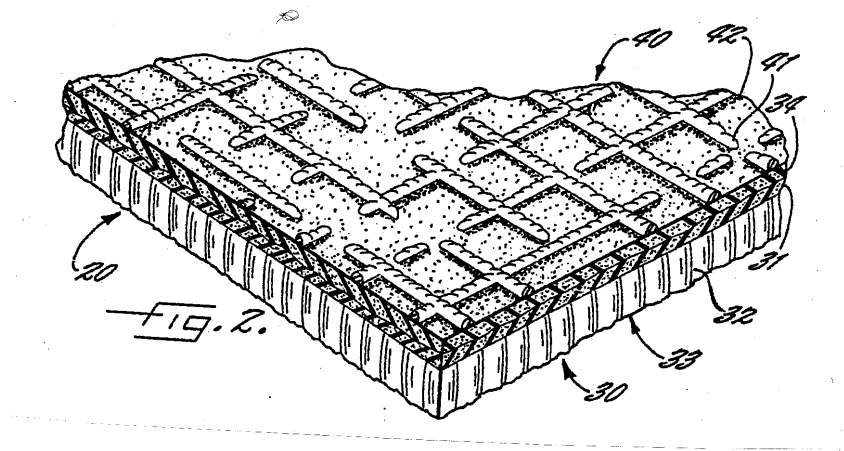
Nowhere does ZEGLER teach or suggest "a single,
absorbent, plain woven upper layer free from any projecting

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Amendment dated September 6, 2012
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cut pile..." The Examiner is reminded of the ultimate use of Applicants' novel cloth structure as a painter's drop cloth. As has been previously emphasized, Applicants' disclosed and claimed structure allows it safe use on stairways when it remains in place without slipping. It is important that the cloth conform to the steps. Applicants believe that no structure disclosed or suggested by ZEGLER would allow such flexibility. It would not, in Applicant's opinion, be obvious to modify the ZEGLER structure as such a modification would result in the ZEGLER structure(s) being unsuitable for their original intended use(s).

For convenience, ZEGLER Fig. 2 is shown below.



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Applicants wish to point out that the ZEGLER structure illustrated in Fig. 2 is inverted with regard to Applicants' claimed structure. ZEGLER fails to teach a single upper layer. Rather ZEGLER shows multiple upper layers: "...comprises as its face layer the tufted carpet 30, which comprises a fabric primary backing layer 31 and tufted yarns 32 secured through and to the fabric backing layer 31 to provide a tufted pile face surface 33." [Column 3, lines 61 - 63] [Emphasis added] This is at least two layers.

Further, Applicants recite an "absorbent" upper layer. While ZEGLER as best that Applicants can determine, including an absorbent upper layer for a pile carpet would be inviting disaster. For example, the first time a glass of red wine was spilled thereupon, the carpet would be ruined.

Still further, Applicants recite: "a plain woven upper layer". ZEGLER neither teaches nor suggests a plain woven upper layer.

Finally, Applicants recite "free from any projecting cut pile". ZEGLER teaches a tufted carpet with "tufted yarns 32

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secured through and to the fabric backing layer 31 to provide
a tufted pile face surface 33." [Column 3, lines 61 - 63]

In summary, Applicants recite four characteristics for
his upper layer: single-layer, woven, absorbent, and free from
protruding cut pile. ZEGLER neither teaches nor suggests any
one of these characteristics.

Nothing in the teaching of BELL and or HARRISON overcomes
the limitations of the ZEGLER as a reference. Consequently,
Applicants believe that their claims previously presented are
patentably distinct from any structure taught or suggested by
ZEGLER in view of HARRISON and further in view of BELL.

Now, regarding Applicants' second, bottom layer, claim 1
recites:

"b) a single lower, resilient layer having an upper
and a lower major surface, said upper major surface of said
single lower resilient layer being disposed adjacent said
lower layer of said single, absorbent, woven upper layer."
[Emphasis added]

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Again, ZEGLER fails to teach or suggest such a structure. ZEGLER teaches a two-layer backing layer consisting of "a thermoplastic lower backing layer 34, and (ii) a thermoplastic contact layer 40 that is fusibly compatible with and fused to the lower backing layer 34. As used herein, the term "fusibly compatible" when referring to two thermoplastics in adjacent layers means thermoplastics which can be permanently fused to one another under heat and pressure without any external attachment enhancer, such as a mechanical fastener or an adhesive." [Column 3, lines 36 - 44]

Applicants believe that a two-layer fused thermoplastic layer is not necessarily functionally equivalent to Applicants' "single lower, resilient layer."

However, ZEGLER discloses that "the thermoplastic contact layer 40 includes on its lower surface a plurality of shallow thermoplastic projections, exemplified by ridges 41 in Fig. 2, which extend away from the face layer 30. These thermoplastic projections are sufficiently elastic to impart skid resistance to said floor covering." [Column 3, lines 47 - 52]

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As best understood by Applicants, ridges 41 might well be interpreted as yet a third layer.

As already mentioned, no teaching of either BELL and/or HARRISON when combined with the teaching of ZEGLER overcomes these fundamental structural differences between Applicants' novel, two-layer structure and that of ZEGLER.

Consequently, Applicants believe that his claims previously presented are patentably distinct from any structure taught or suggested by ZEGLER in view of HARRISON and further in view of BELL.

Applicants would be glad to provide Examiner Lopez with a sample of their novel material in the belief that the numerous structural differences between their material and any teaching of the prior art yet presented will be readily apparent. Either a small sample or a larger, working sample can be provided as required. Kindly contact the undersigned to arrange for submission of a sample.

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Applicants respectfully requests that as claims 1 - 8 and
17 - 24 continue to be in condition for allowance that these
claims be allowed and the application now be passed to issue.

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On _____
(Date of Deposit)

William G. Sykes, Esq. Reg. No. 50,704 (Date)
Attorney

Respectfully submitted,

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Fax: (757) 363-3405

Electronic Acknowledgement Receipt	
EFS ID:	13674978
Application Number:	12460763
International Application Number:	
Confirmation Number:	2753
Title of Invention:	Non-skid protective cloth or pad
First Named Inventor/Applicant Name:	Bradie Terracino
Customer Number:	71490
Filer:	William Gray Sykes
Filer Authorized By:	
Attorney Docket Number:	WS - 119
Receipt Date:	06-SEP-2012
Filing Date:	27-JUL-2009
Time Stamp:	15:35:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Arguments/Remarks Made in an Amendment	Amendment3rd12460763Filed.pdf	287643 754a21740332ed85e9d1c70ab7478007b8c1b2296	no	15
Warnings:					
Information:					

Total Files Size (in bytes):	287643
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/460,763		Filing Date 07/27/2009		<input type="checkbox"/> To be Mailed			
APPLICATION AS FILED – PART I						OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/>		OR		SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)				
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A					
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A					
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A					
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=				
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
			TOTAL			TOTAL					
<p>* If the difference in column 1 is less than zero, enter "0" in column 2.</p>											
APPLICATION AS AMENDED – PART II						OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	09/06/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 16	Minus ** 20	= 0	X \$30 =	0	OR	X \$ =			
	Independent (37 CFR 1.16(h))	* 2	Minus *** 3	= 0	X \$125 =	0	OR	X \$ =			
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus **	=	X \$ =		OR	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus ***	=	X \$ =		OR	X \$ =			
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>											

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Legal Instrument Examiner:
/GAIL WOOTEN/



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490	7590	08/02/2012		
WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER LOPEZ, RICARDO E.	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			08/02/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	12/460,763	TERRACINO ET AL.	
	Examiner	Art Unit	
	RICARDO E. LOPEZ	1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 03 December 2010.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) 1-8 and 17-24 is/are pending in the application.

5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 1-8 and 17-24 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/27/2009</u>	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: ____
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's Amendments and Accompanying Remarks filed on October 25, 2011 has been entered and carefully considered. Claims 1 – 8 and 17 – 24 are all the pending claims in this application. In view of amendment to the claims and the specification, the Examiner has withdrawn the 112 first Paragraph rejections, and the 103 rejections over Malpass et al. as detailed in the Office Action dated September 14, 2011. The invention as currently claimed is not found to be patentable for reasons herein below.

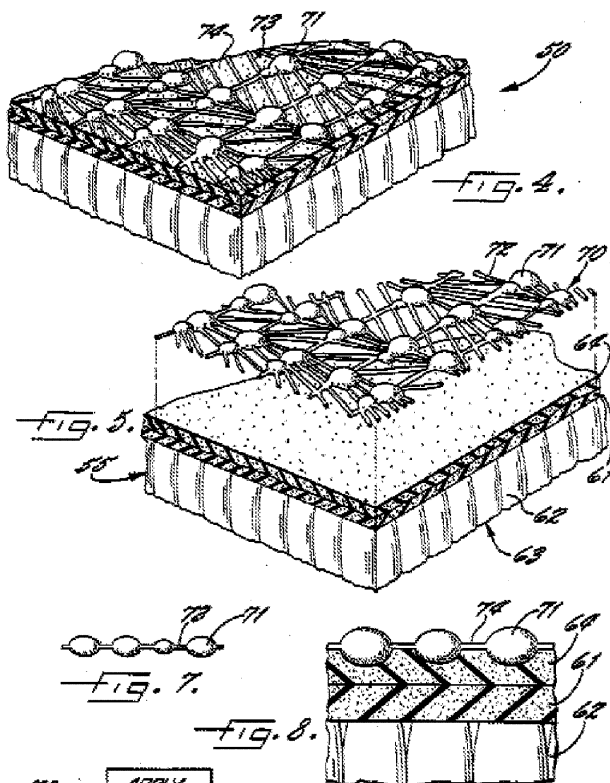
Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 8 and 17 – 24 are rejected under Zegler et al. US 5,567,497 (Zegler) in view of Bell US 2,274,468 or in view of Harrison et al. US 3,565,661 (Harrison).

4. Considering claims 1 – 8 and 17 – 24, Zegler teaches a floor covering 10, which comprises (i) a floor covering layer, exemplified by a thermoplastic-backed carpet 20 illustrated in FIG. 2, comprising a face layer, exemplified in FIG. 2 by a tufted carpet and a thermoplastic lower backing layer 34, and (ii) a thermoplastic contact layer 40 that is fusible compatible with and fused to the lower backing layer 34. As used herein, the term "fusible compatible" when referring to two thermoplastics in adjacent layers means thermoplastics which can be permanently fused to one another under heat and pressure without any external attachment enhancer, such as a mechanical fastener or an adhesive. The term "fused" when referring to two contacting thermoplastic layers indicates that the layers are permanently bonded without the use of any external attachment enhancer. Therefore, lower backing layer 34 and contact layer 40 after they have been fused together may be consider as a "single lower" resilient layer, which the Examiner equates to the claimed single lower layer. Further, Zegler teaches that the thermoplastic contact layer 40 includes on its lower surface a plurality of shallow thermoplastic projections, exemplified by dimples or nodules in FIG. 4 - 8, which extend away from the face layer 30. These thermoplastic projections are sufficiently elastic to impart skid resistance to said floor covering [Col. 3, lines 34 – 52 and FIG. 4].



Furthermore, Zegler teaches that the lower surface of the contact layer 40 includes a plurality of shallow projections extending away from the floor covering face layer. The individual projections extend in the direction away from the visual surface of the floor covering sufficiently that they will penetrate carpet yarns when the floor covering overlies a carpeted surface. Projections which extend between about 0.010 inches and 0.1 inches are preferred [Col. 4, lines 51 – 60]. Further, Zegler also teaches referring to FIGS. 5 and 7, the contact layer 70 comprises an open weave fabric scrim

72 and irregularly-sized semi-ovoid thermoplastic nodules 71 located on the scrim fibers 73, although those skilled in this art will appreciate that a number of suitable shapes for nodules are suitable, including semi-spherical, prismatic, pyramidal, and the like. Recesses 74 are located in the space bounded by the nodules 71, the scrim fibers 73, and the lower surface of the lower backing layer 64. The arrangement of the nodules 71 on the scrim 72, and accordingly on contact layer 70, is random, but it will be appreciated by those skilled in the art that any number of regular or irregular nodule patterns are suitable and is limited only by the pattern of scrim fibers 73 [Col. 6, lines 33 – 47].

Although Zegler teaches that the face layer can be any material that would be suitable for use as the visual or working surface of an overlying floor covering [Col. 3, lines 52 – 54]; it does not specifically recognize that the face layer is an absorbent, plain woven layer, free of projecting cut pile. However, this is remedied by Bell or Harrison et al.

With regard to the limitations requiring a canvas, this is remedied by Bell. Bell teaches making a floor covering or a non-slip mat wherein the backing layer is a canvas. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to use a canvas as one of the layers their mat. One would have been motivated in doing so in order to create a mat that was flexible.

With regard to the limitations requiring woven cotton, this is remedied by Harrison et al. Harrison et al. teaches making a floor covering or a non-slip mat wherein the backing layer is woven cotton. Therefore, a person having ordinary skill in the art at

the time the invention was made would have found it obvious to used woven cotton as one of the layers their mat. One would have been motivated in doing so in order to create a mat that was flexible and could easily absorb any coating that could be further applied to it, or simply to be absorbent in nature.

Response to Arguments

5. Applicant's Amendments and Accompanying Remarks filed on October 25, 2011 has been entered and carefully considered. In view of amendment to the claims and the specification, the Examiner has withdrawn the 112 first Paragraph rejections, and the 103 rejections over Malpass et al. as detailed in the Office Action dated September 14, 2011. The invention as currently claimed is not found to be patentable for reasons herein below.

Applicant's arguments with respect to claims 1 – 8 and 17 – 24 have been considered but are moot in view of new grounds of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO E. LOPEZ whose telephone number is (571)-270-1150. The examiner can normally be reached on Monday to Thursday 8:00 am-5:30pm EST, and every other Friday from 8:00 am to 4:30 pm..

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Chriss can be reached on (571)-272-7783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1786

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/

Supervisory Patent Examiner, Art Unit 1786

/REL/

Ricardo E. Lopez

Patent Examiner, Art Unit 1786

Notice of References Cited	Application/Control No. 12/460,763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.	
	Examiner RICARDO E. LOPEZ	Art Unit 1786	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,567,497	10-1996	Zegler et al.	428/95
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20120723

12460763 - GAU: 1786

PTO/SB/08a (06-09)

Approved for use through 07/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Terracino, Bradie et al.
Art Unit	
Examiner Name	
Attorney Docket Number	WS - 119

Sheet 1 of 1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 1928943	10-03-1933	McKay	
		US- 3488684	10-03-1933	Wrightson	
		US- 1728545	09-17-1929	Haushalter	
		US- 152451	06-30-1874	Allerton	
		US- 200990068431	03-12-2009	Hoernigmann	
		US- 20080131680	06-05-2008	Bilton	
		US- 20070275209	11-29-2007	Netravali	
		US- 20070220673	09-27-2007	Nichols	
		US- 20060162073	07-27-2006	Nichols	
		US- 7069607	07-04-2006	Nichols	
		US- 6961969	11-08-2005	Nichols	
		US- 6911407	06-28-2005	Sherrod	
		US-			
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		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	/Ricardo Lopez/	Date Considered	07/23/2012
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.L./

EAST Search History


EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	8	(zegler near2 stephen).in.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/23 15:25
L3	2529	428/95,88.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/23 15:26
L4	10	l3 and ((nonskid or nonslip) same (covering or pad or mat))	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/23 15:27
S1	1	("20110017341").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/20 12:42
S2	5	((("6946183") or ("2274468") or ("3565661"))).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/20 14:00
S8	44	((nonskid or nonslip or non-slip or non-skid or antiskid or anti-skid or protective or drop) with (drop cloth or covering or pad or mat or cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vacuum cup or cleat)) same ((fabric or cloth or woven) same (cotton or canvas))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 11:33
S9	13	S8 and (hollow or depression or pit or indentation or dent or dint or bump)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 11:37
S10	856	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR	OR	ON	2012/07/23 12:07
S11	859	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2012/07/23 12:07
S12	205	S11 and (hollow or depression or pit or indentation or dent or dint or bump)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 12:08
S13	27	S12 and (dimple or convex)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2012/07/23 12:08
S14	3	((("5567497") or ("5173346") or ("4917932"))).PN.	US-PGPUB; USPAT;	OR	OFF	2012/07/23 12:15

			USOCR		
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C:\Users\rlopez\Documents\EAST\Workspaces\Non-skid cloth.wsp

Case 5:22-cv-00015-FL Document 43-7 Filed 10/31/23 Page 92 of 266 Ex. 6 0091

Search Notes 	Application/Control No. 12460763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.
	Examiner Ricardo E. Lopez	Art Unit 1786

SEARCHED			
Class	Subclass	Date	Examiner
428	88, 95	07/23/2012	REL

SEARCH NOTES		
Search Notes	Date	Examiner
east notes attached	03/22/2010	AP
updated	9/11/2010	AP
EAST Search History Attached	07/23/2012	REL
Inventor and Assignee search	07/23/2012	REL

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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William Sykes Law
www.williamsykeslaw.com

JSF

3669 Seagull Bluff Drive • Virginia Beach, Virginia 23455 • Office: 757-490-8586 • Fax: 757-363-3405 • william@williamsykeslaw.com

MAILED & FAXED (571-273-8300)

February 17, 2012

Arti Singh-Pandey,
Primary Examiner
Commissioner Fro Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Appl. No. : 12/460,763
Applicant : Bradie Terracino et al.
Filed : July 27, 2009
Examiner : Arti Singh-Pandey
Title : NON-SKID PROTECTIVE CLOTH OR PAD

Dear Ms. Singh-Pandey:

Can you please call or email (William@williamsykeslaw.com) me a status of this case? The RCE was filed on December 3, 2010. I understand that you have been on a special assignment. Late last year you said even with your special assignment you will have our last amendment reviewed by January 2012.

Bradie and Bob Terracino have invested a lot of money in this patent application, their prototype and marketing. They are both retired and on a fixed income. They are depending on this invention for future income. Please just give us a status report so Bradie and Bob can plan their next move.

Thank you in advance for the status update.

Sincerely,


William G. Sykes

cc: Bradie Terracino

William Sykes Law
www.williamsykeslaw.com

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William G. Sykes

cc: Bradie Terracino

PAGE 1/1 * RCVD AT 2/17/2012 4:38:09 PM [Eastern Standard Time] * SVR:WPTOFAX-001/3 * DNIS:2738300 * CSID: * DURATION (mm-ss):00-54

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MAILED & FAXED (571-273-8300)

May 25, 2011

Arti Singh-Pandey,
Primary Examiner
Commissioner Fro Patents
P. O. Box 1450
Alexandria, VA 22313-1450

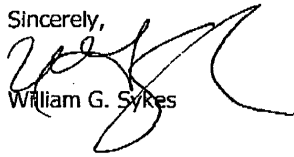
Re: Appl. No. : 12/460,763
Applicant : Bradie Terracino et al.
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Thank you in advance for the status update.

Sincerely,


William G. Sykes

cc: Bradie Terracino

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MAILED & FAXED (571-273-8300)

May 25, 2011

Arti Singh-Pandey,
Primary Examiner
Commissioner Fro Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Appl. No. : 12/460,763
Applicant : Bradie Terracino et al.
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William G. Sykes

cc: Bradie Terracino



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/460,763	07/27/2009	Bradic Terracino	WS - 119

CONFIRMATION NO. 2753

PUBLICATION NOTICE



0000000045700391

71490
WILLIAMS G. SYKES
3669 SEAGULL BLUFF DRIVE
VIRGINIA BEACH, VA 23455

Title:Non-skid protective cloth or pad

Publication No.US-2011-0017341-A1

Publication Date:01/27/2011

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

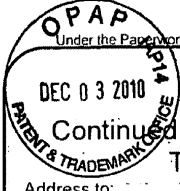
The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

RCE/IDY



Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	12/460,763
	Filing Date	7/27/2009
	First Named Inventor	Terracino, Bradie
	Art Unit	1786
	Examiner Name	Singh-Pandey, Artir
Attorney Docket Number		WS-119

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on 12/06/2010 EMAIL 00000016 12460763

ii. ☐ Other 01 FC:2001 485.00 OP

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

a. ☐ Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 405.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	11/30/2010
Name (Print/Type)	William G. Sykes	Registration No.	50704

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature	
Name (Print/Type)	William G. Sykes
Date	11/30/2010

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490 7590 11/16/2010 WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER SINGH-PANDEY, ARTI R	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			11/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/460,763	Applicant(s) TERRACINO ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1786	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): see below.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8 and 17-24.

Claim(s) withdrawn from consideration: 9-16.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Arti Singh-Pandey/
Primary Examiner
Art Unit: 1786

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner has carefully reviewed Applicant's proposed amendments to the claims in the response dated 10/25/2010. Applicant has cancelled claims 9-16 and the viable and proposed claims are 1-8 and 17-24.

Applicant's definition are noted for Canvas and plain weave.

Paragraph 5 of the final office action dated 09/14/2010 would be withdrawn as the proposed amendment to the specification would remedy this.

The proposed amendments of "free from any projecting pile" is found to be convincing. Applicant's proposed amendment to the specification and showing that the figures provide support for the limitation is inconclusive.. The figures that were provided in the initial filing of the application are line diagrams to show the layers, and not the usual undulated cross section of the fabric which show a woven , nonwoven and pile or no pile, and therefore, not found to be convincing. Thus, more evidence would be required as the specification, claims and figures do not have support for the pile as the proposed claims shown. Additionally, even if a pile were present it could be just as high as the weave of the woven and not actually appear as "hairy" mat. Just some food for thought. Thus, the rejection made under 35 USC 112 as shown in paragraphs 6 and 7 would also be maintained.

Secondly, the proposed amendments change the scope of the claims in that they now define a dimple with actual shape as being convex, this would require further search and consideration.

DO NOT ENTER: /A.S.P./
11/13/2010

AFW/AF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/460,763 Conf. No. 2753
Applicant : Bradie Terracino et al.
Filed : July 27, 2009
TC/A.U. : 1786
Examiner : Artir Singh-Pandey
Docket No. : WS-119
Title : NON-SKID PROTECTIVE CLOTH OR PAD
Customer No. : 71490

AMENDMENT AFTER FINAL OFFICE ACTION
IN ACCORDANCE WITH 37 C.F.R. § 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

S I R:

In response to the Office Action of September 14, 2010 please amend the above-identified patent application as follows:

Amendments to the Specification begin of page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims, which begins on page 5 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Docket No. WS-119

Page 1 of 13



AFW/AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
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In response to the Office Action of September 14, 2010 please amend the above-identified patent application as follows:

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Amendments to the Claims are reflected in the listing of claims, which begins on page 5 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Docket No. WS-119

Page 1 of 13

Application. No. 12/460,763
Amendment dated October 15, 2010
Reply to Office Action of September 14, 2010

Amendments to the Specification:

Kindly amend the specification as indicated.

Kindly amend the paragraph beginning in Page 7, line 2 as indicated:

In accordance with the present invention there is provided a two-layer, non-skid protective pad for use as a painter's drop cloth or as a protective pad for surfaces such as boat decks, airplane wings or other surfaces where a non-skid pad is essential. The pad has a woven upper member, typically of a cotton canvas-like material, and a lower, resilient member. The two layers are typically stitched together. The lower, resilient member typically comprises downward-projecting dimples, often of two or more different sizes. As used herein the word dimple is used to refer to outwardly projecting convex structures as clearly shown in FIGURES 1 and 3. The dimples are joined by a grid of resilient material. In alternate embodiments, an impervious member may be inserted between the upper and lower members.

Kindly amend the paragraph beginning on Page 10, line 8 as indicated.

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Amendment dated October 15, 2010
Reply to Office Action of September 14, 2010

Pad 100 has two layers – a woven upper layer 102 and a lower, resilient layer 104. Woven upper layer 102 is typically an absorbent, woven cotton material such as canvas or another canvas-like material, and as may clearly be seen in FIGURES 1 and 3, woven upper layer 102 is free from any projecting cut pile. For purposes of disclosure, an 8-ounce material has been chosen. Canvas may be treated with a waterproofing material, if desired. Such a treatment, however, renders the upper woven layer 102 non-absorbent which may impair the function of upper woven layer 102 to absorb paint or other material spilled thereupon. It will, however, be recognized by those of skill in the art that other weight materials may be chosen depending upon the desired application in which cloth 100 is to be utilized. It will further be recognized that woven materials other than cotton may be selected to meet a particular operating circumstance or environment. Consequently, the invention is not limited to the 8-ounce canvas chosen for purposes of disclosure. Rather the invention covers any suitable material and weight.

Kindly amend the paragraph beginning on Page 11, line 17 as indicated.

Referring now also to FIGURE 2, Lower resilient layer 104 has a plurality of downward-projecting dimples 106a, 106b. As used herein the word dimple is used to refer to outwardly projecting convex structures as clearly shown in FIGURES 1

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Amendment dated October 15, 2010
Reply to Office Action of September 14, 2010

and 3. Dimples 106a are typically larger than dimples 106b. As shown in FIGURE 1, larger dimples 106a are shown having a greater height than smaller dimples 106b. In alternate embodiments, larger and smaller dimples 106a and 106b, respectively, may have a substantially identical height. In still other embodiments, smaller dimples 106b may have a height larger than larger dimples 106a.

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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1. (currently amended) A non-skid protective cloth or pad, consisting of:

- a) a single, absorbent, plain woven upper layer free from any ~~protecting~~ projecting cut pile and having an upper and a lower major surface;
- b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, woven upper layer; and
- c) means for fastening said single, absorbent, upper, woven layer to said single lower resilient layer.

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Reply to Office Action of September 14, 2010

Claim 2. (previously presented) The non-skid protective cloth or pad as recited in claim 1, wherein said single, absorbent, woven, upper layer comprises a plain woven cotton fabric.

Claim 3. (previously presented) The non-skid protective cloth or pad as recited in claim 1, wherein said single, absorbent, woven, upper layer comprises canvas.

Claim 4. (previously presented) The non-skid protective cloth or pad as recited in claim 1, wherein said single lower, resilient layer comprises a network of downward projecting dimples interconnected by a resilient grid.

Claim 5. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different diameters.

Claim 6. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different heights.

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Amendment dated October 15, 2010
Reply to Office Action of September 14, 2010

Claim 7. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

Claim 8. (original) The non-skid protective cloth or pad as recited in claim 1, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

Claims 9 – 16 (cancelled)

Claim 17. (currently amended) A non-skid protective cloth or pad, consisting of:

a) a single, absorbent, plain woven upper layer free from any ~~protecting~~ projecting cut pile and having an upper and a lower major surface;

b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, plain woven upper layer;

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c) an impervious member interposed between said single, absorbent, plain woven upper layer and said single lower, resilient member;

d) means for fastening said single, absorbent, upper, woven layer to said interposed impervious member and said single lower resilient layer.

Claim 18. (previously presented) The non-skid protective cloth or pad as recited in claim 17, wherein said single, absorptive woven, upper layer comprises a woven cotton fabric.

Claim 19. (previously presented) The non-skid protective cloth or pad as recited in claim 17, wherein said woven, single, absorbent upper layer comprises canvas.

Claim 20. (previously presented) The non-skid protective cloth or pad as recited in claim 17, wherein said single lower, resilient layer comprises a network of downward projecting dimples interconnected by a resilient grid.

Application. No. 12/460,763
Amendment dated October 15, 2010
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Claim 21. (previously presented) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples comprise dimples of at least two different diameters.

Claim 22. (previously presented) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples comprise dimples of at least two different heights.

Claim 23. (previously presented) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

Claim 24. (previously presented) The non-skid protective cloth or pad as recited in claim 17, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

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REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and following remarks. Claims 9 – 16 were previously cancelled. Claims 1 and 17 have been amended. Claims 1 - 8 and 17 - 24 remain in the case.

Examiner's objection to the definition of canvas used in the previous amendment is noted. Applicant respectfully substitutes the following definition of canvas from the Free Meriam Webster on-line dictionary (<http://mw1.meriam-webster.com/dictionary/canvas?show=0&t=1287157798>): "1) A heavy, coarse, closely woven fabric of cotton, hemp, or flax, used for tents and sails."

Applicant apologizes for the typographical error on page 10 of the Remarks in which the term "adsorbent" was accidentally substitutes for the term "absorbent". The correct term is absorbent.

Claims 1 –8 and 17 – 24 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically the Examiner asserts that there is no specification support for the term "free from any

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Amendment dated October 15, 2010
Reply to Office Action of September 14, 2010

protecting cut pile." In actuality, the recitation should have been: "...free from any projecting cut pile." Claims 1 and 17 have been amended to recite "projecting cut pile". Further, the specification has been amended to recite: "Woven upper layer 102 is typically an absorbent, woven cotton material such as canvas or another canvas-like material, and as may clearly be seen in FIGURES 1 and 3, woven upper layer 102 is free from any projecting cut pile." No new matter has been added as the amendment merely better describes the description of layer 102 as shown in the drawings originally filed in the case. This amendment of the specification along with the amendment of claims 1 and 17 is believed to overcome the rejection of claims 1 – 8 and 17 - 24 under 35 U.S.C. §112, first paragraph.

Claims 1 – 8 and 17 – 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,946,183 for SLIP RESISTANT MAT issued September 20, 2005 to Ian S. Malpass et al., hereinafter MALPASS, in view of United States Patent No. 2,274,468 for FLOOR COVERING issued February 24, 1942 to Harry W. Bell and further in view of United States Patent No. 3,565,661 for FLOOR COVERING AND THE LIKE issued February 23, 1971 to Alan Morley Harrison et al., hereinafter HARRISON.

MALPASS teaches a slip resistant mat having suction cup structures downwardly projecting from a lower surface thereof. Applicant's FIGURES 1 and 3 clearly shown downwardly projecting convex structures that she mistakenly referred

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to as "dimples". A check of a dictionary definition of dimple reveals that the term literally refers to a convex structure. However, based on MPEP 2111.05, Section IV, "An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994)

Applicant's specification has been amended to recite: As used herein the word dimple is used to refer to outwardly projecting convex structures as clearly shown in FIGURES 1 and 3.

Therefore, Applicant's claimed dimples, when interpreted in light of Applicant's specification, preclude the concave structures of MALPASS. Applicant believes that while the suction cups of MALPASS may be effective for the semi-permanent holding of a bath mat against the bottom surface of a bath tub (a very desirable feature), such suction cups would work perhaps too well in holding Applicant's novel drop cloth against a surface to be protected. Applicant's structure as described and now claimed provides the dual benefits of holding a drop cloth in place, even when the drop cloth is draped over a stair or other surface to be protected where a portion of the drop cloth is being pulled downwardly by gravity and allowing ease in moving the drop cloth from one location to another when

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necessary without leaving rings or other markings on a floor or other surface as a suction cup might.

Nothing in the teaching of BELL and or HARRISON overcomes the limitation of the MALPASS suction cups. Consequently, Applicant believes that the amendment of the specification as noted along with the amendment of claims 1 and 17 overcomes the rejection of claims 1 – 8 and 17 – 24 under 35 U.S.C. §103(a) as being unpatentable over MALPASS in view of BELL and further in view of HARRISON.

Applicant respectfully requests that as claims 1 – 8 and 17 – 24 are in condition for allowance that these claims be allowed and the application now be passed to issue.


Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On Oct 20, 2010
(Date of Deposit)

William G. Sykes, Esq. 10/19/2010
Attorney Reg. No. 50,704 (Date)


William G. Sykes, Esq.
Registration No. 50,704
Attorney for Applicant
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Fax: (757) 363-3405

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/460,763		Filing Date 07/27/2009		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I									
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)		
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=		OR	X \$	=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=			X \$	=	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
			TOTAL			TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
APPLICATION AS AMENDED – PART II									
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR OTHER THAN SMALL ENTITY	
AMENDMENT	10/25/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(g))	* 16	Minus ** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(b))	* 2	Minus *** 3	= 0	X \$110 =	0	OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR		
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(g))	*	Minus **	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(b))	*	Minus ***	=	X \$ =		OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR		
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

Legal Instrument Examiner:
/NICOLE C. LAWRENCE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490	7590	10/21/2010		
WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER SINGH-PANDEY, ARTI R	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			10/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490 7590 09/14/2010 WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER SINGH-PANDEY, ARTI R	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			09/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/460,763	Applicant(s) TERRACINO ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 21 June 2010.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-8 and 17-24 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date: _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks dated 06/21/2010. Applicant's amendments to the claims have been entered; however create a new matter situation, for which a rejection is set forth below. Applicant has amended claims 1-4, added new claims 17-24 and cancelled claims 9-16. The previously applied art rejections is withdrawn and new art rejection is set forth below as the claims were amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 and 17-24 have been considered but are moot in view of the new ground(s) of rejection.

3. There is a bit of confusion, in the remarks section on starting on page 9 of the response. Applicant has amended the preamble language of the claim by closing up the recitation and making it a two layered structure. Applicant **DOES** have support for this recitation, but **does not** have support for the limitation of "free from any cut pile". This could also be construed as a negative limitation. The claims containing this recitation have all been rejected below. This can be remedied by deleting such language.

4. The submission of the definitions of "Canvas" and "Plain weave" from Wikipedia is not a reliable source, as Wikipedia can be altered by anyone and there is no known date of this definition. If Applicant intends to define any term, other than it being what is

generally known in the art, dated paperwork from a dictionary or reference may be submitted and made a part of the record.

5. Lastly, on page 10 of the remarks, Applicant states that the term "adsorbent" has been, but in actuality the claims have been amended to say "absorbent" please clarify which it is.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-8 and 17-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation in the independent claims 1 and 17 which recite in the third sentence, "free from any protecting cut pile" does not have support from any part of the specification, claims or drawings. In fact there is no prior mention of pile at all. All dependant claims are rejected as being dependant upon Claims 1 and 17.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,946,183 issued to Malpass et al. in view of USPN 2274468 issued to Bell or USPN 3565661 issued to Harrison et al.

10. USPN 6,946,183 issued to Malpass et al. teaches a slip resistant floor mat composed of one or more layers of material and a bottom layer or base layer, which incorporates a plurality of recessions with inset suction cups (abstract). The Examiner is equating the suction cups to be equivalent to the dimples that are claims by Applicant in Claims 5, 6, 21 and 22. In column 2, the instant patent shows that the size, shape and position of the recessions can be found in a variety of arrangements, and that their width and height may vary. Therefore, with regard to Applicant's limitations in Claim 5, 6, 21 and 22. Malpass et al's motivation for using the varying heights and widths is for improved performance of sticking to the surface (column 2, lines 67+). Between these suction cups is spacing, which is equivalent to Applicant's inter-dimple space.

The floor mat comprises one or more layers laminated to the base layer which includes the suction cups (column 3, lines 4+). These layers may be made of different materials and can comprise an intermediate layers, which are typically sheets of rubber and the uppermost layers can be rubber, carpet, yarn or another fabric. The Examiner is equating the intermediate layer to be equivalent either the impervious layer or it could act as the attachment layer between the upper fabric and the lower resilient rubber layer. The Examiner is equating the rubber layer to be equivalent to

the lower resilient layer. Malpass et al. teach what is set forth above but do not specify the chemical make up of the fabric layer. This is remedied by Bell or Harrison et al.

With regard to the limitations requiring a canvas, this is remedied by Bell. Bell teaches making a floor covering or a non-slip mat wherein the backing layer is a canvas. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to use a canvas as one of the layers of their mat. One would have been motivated in doing so in order to create a mat that was flexible.

With regard to the limitations requiring woven cotton, this is remedied by Harrison et al. Harrison et al. teaches making a floor covering or a non-slip mat wherein the backing layer is woven cotton. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to use woven cotton as one of the layers of their mat. One would have been motivated in doing so in order to create a mat that was flexible and could easily absorb any coating that could be further applied to it, or simply to be absorbent in nature.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arti Singh-Pandey whose telephone number is 571-272-1483. The examiner can normally be reached on M-R 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arti Singh-Pandey/
Primary Examiner
Art Unit 1786

Application/Control Number: 12/460,763
Art Unit: 1786

Page 7

AP

Notice of References Cited	Application/Control No. 12/460,763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1786	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,565,661	02-1971		428/172
*	B	US-1,552,852	09-1925	INNES HARRY C	428/76
*	C	US-2,274,468	02-1942	BELL HARRY W	112/421
*	D	US-6,946,183	09-2005	Malpass et al.	428/99
*	E	US-2006/0001545	01-2006	Wolf, Brian	340/573.1
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)


Notice of References Cited

Part of Paper No. 20100911

<i>Index of Claims</i> 	Application/Control No. 12460763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.
	Examiner Arti Singh-Pandey	Art Unit 1794

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	03/29/2010	09/11/2010						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						
	7	✓	✓						
	8	✓	✓						
	9	✓	-						
	10	✓	-						
	11	✓	-						
	12	✓	-						
	13	✓	-						
	14	✓	-						
	15	✓	-						
	16	✓	-						
	17		✓						
	18		✓						
	19		✓						
	20		✓						
	21		✓						
	22		✓						
	23		✓						
	24		✓						

Search Notes 	Application/Control No. 12460763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.
	Examiner Arti Singh-Pandey	Art Unit 1794

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
east notes attached	03/22/2010	AP
updated	9/11/2010	AP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	41	((nonskid or nonslip or non-slip or non-skid or antiskid or anti-skid or protective or drop) with (drop cloth or covering or pad or mat or cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vaccum cup or cleat)) same ((fabric or cloth or woven) same (cotton or canvas))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/12 15:23
L2	27	((nonskid or nonslip or non-slip or non-skid or antiskid or anti-skid or protective or drop) with (drop cloth or covering or pad or mat or cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vaccum cup or cleat)) same ((fabric or cloth or woven) same (cotton))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/12 15:30
L3	0	I2 not I1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/12 15:30
S1	26	((("1928943") or ("3488684") or ("0172545") or ("0152451") or ("200990068431") or ("20080131680") or ("20070275209") or ("20070220673") or ("20060162073") or ("7069607") or ("6961969") or ("6911407"))).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/03/26 23:04

EAST Search History

S2	0	bradie adj3 terracino	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:19
S3	0	robert adj terracino	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:19
S4	361	non skid pad	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:20
S5	0	S4 and (cheryl juska or arti singh)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:20
S6	0	S4 and arti	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:20
S7	0	arti rani singh	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:21
S8	0	arti singh	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:21
S9	71	S4 and (projection or nub or dimple or tread or suction cup or vacuum cup)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:22
S10	2	woven and S9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:22
S11	18	S4 same (projection or nub or dimple or tread or suction cup or vacuum cup)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:23

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EAST Search History

S12	0	non skid pad amd "milliken"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:25
S13	1	non skid pad and "milliken"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:25
S14	867	non skid pad	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	WITH	ON	2010/03/27 00:26
S15	65	S14 same (projection or nub or dimple or tread or suction cup or vaccum cup)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:27
S16	979	pad and "milliken"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:47
S17	776	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:16
S18	2521735	(carrier or cloth or fabric same cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:16
S19	2732735	(carrier or cloth or woven or fabric same cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:17
S20	167	S17 and S19	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:17
S21	770463	cleats or tread or spike or protrusion	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:17

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EAST Search History

S22	30	S20 and S21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:18
S23	306433	("428").CLAS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/03/29 10:18
S24	5	S22 and S23	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:18
S25	776	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
S26	2732735	(carrier or cloth or woven or fabric same cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
S27	167	S25 and S26	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
S28	770463	cleats or tread or spike or protrusion	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
S29	30	S27 and S28	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
S30	2	("6296919").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/03/29 11:53
S31	110343	(nonskid or nonslip or non- slip or non-skid or antiskid or anti-skid or protective or drop) with (covering or pad or mat or cloth)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:19
S32	13329	S31 and (projection or nub or dimple or tread or suction cup or vacuum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:30

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EAST Search History

S33	2866	S31 same (projection or nub or dimple or tread or suction cup or vacuum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:31
S34	1227	S31 with (projection or nub or dimple or tread or suction cup or vacuum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:31
S35	2793	((nonskid or nonslip or non-slip or non-skid or antiskid or anti-skid or protective or drop) with (covering or pad or mat or cloth)) same (woven)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:31
S36	68	S35 same (projection or nub or dimple or tread or suction cup or vacuum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:31
S37	72	S35 same (projection or protrusion or nub or dimple or tread or suction cup or vacuum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:35
S38	3852870	(stitch\$3 or bond\$3 or fastener or adhesive) or ("hook and loop")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:36
S39	44	S37 and S38	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:36
S40	72	S35 same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vacuum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:38
S41	44	S40 and S38	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:38

file:///C:/Documents%20and%20Settings/asingh/My%20Doc...0763/EASTSearchHistory.12460763_AccessibleVersion.htm (5 of 7)/12/2010 3:36:44 PM

EAST Search History

S42	3618	(nonskid or nonslip or non-slip or non-skid or antiskid or anti-skid or protective or drop) with (drop cloth or covering or pad or mat or cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vaccum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:43
S43	38820	woven same (cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:44
S44	45	S42 and S43	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:44
S45	40	S38 and S44	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:44
S46	28	S45 not S41	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 22:44
S47	10	(drop cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vaccum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 23:27
S48	113	(tarp or bath mat) with (drop cloth or covering or pad or mat or cloth) same (projection or protrusion or nodules or nub or dimple or tread or suction cup or vaccum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 23:29
S49	108	(tarp or bath mat) with (projection or protrusion or nodules or nub or dimple or tread or suction cup or vaccum cup or cleat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 23:29

file:///C:/Documents%20and%20Settings/asinh/My%20Doc...0763/EASTSearchHistory.12460763_AccessibleVersion.htm (6 of 7)/9/12/2010 3:36:44 PM

EAST Search History

S50	65	S38 and S49	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/09/11 23:30
S51	2	("6946183").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/09/12 14:21

EAST Search History (I nterference)

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6-22-10

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/460,763 Conf. No. 2753
Applicant : Bradie Terracino et al.
Filed : July 27, 2009
TC/A.U. : 1786
Examiner : Artir Singh-Pandey
Docket No. : WS-119
Title : NON-SKID PROTECTIVE CLOTH OR PAD
Customer No. : 71490

A M E N D M E N T

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

S I R:

In response to the Office Action of April 1, 2010 please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Docket No. WS-119

Page 1 of 12

Application. No. 12/460,763
Amendment dated June 12, 2010
Reply to Office Action of April 1, 2010

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1. (currently amended) A non-skid protective cloth or pad, ~~comprising~~ consisting of:

a) a single, absorbent, plain woven upper layer free from any protecting cut pile and having an upper and a lower major surface;

b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, woven upper layer; and

Application. No. 12/460,763
Amendment dated June 12, 2010
Reply to Office Action of April 1, 2010

c) means for fastening said single, absorbent, upper,
woven layer to said single lower resilient layer.

Claim 2. (currently amended) The non-skid protective
cloth or pad as recited in claim 1, wherein said single,
absorbent, woven, upper layer comprises a plain woven cotton
fabric.

Claim 3. (currently amended) The non-skid protective
cloth or pad as recited in claim 1, wherein said single,
absorbent, woven, upper layer comprises canvas.

Claim 4. (currently amended) The non-skid protective
cloth or pad as recited in claim 1, wherein said single lower,
resilient layer comprises a network of downward projecting
dimples interconnected by a resilient grid.

Claim 5. (original) The non-skid protective cloth or pad
as recited in claim 4, wherein said downward projecting
dimples comprise dimples of at least two different diameters.

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Reply to Office Action of April 1, 2010

Claim 6. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different heights.

Claim 7. (original) The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

Claim 8. (original) The non-skid protective cloth or pad as recited in claim 1, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

Claims 9 - 16 (cancelled)

Claim 17. (newly added) A non-skid protective cloth or pad, consisting of:

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Reply to Office Action of April 1, 2010

a) a single, absorbent, plain woven upper layer free from any protecting cut pile and having an upper and a lower major surface;

b) a single lower, resilient layer having an upper and a lower major surface, said upper major surface of said single lower resilient layer being disposed adjacent said lower layer of said single, absorbent, plain woven upper layer;

c) an impervious member interposed between said single, absorbent, plain woven upper layer and said single lower, resilient member;

d) means for fastening said single, absorbent, upper, woven layer to said interposed impervious member and said single lower resilient layer.

Claim 18. (newly added) The non-skid protective cloth or pad as recited in claim 17, wherein said single, absorptive woven, upper layer comprises a woven cotton fabric.

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Reply to Office Action of April 1, 2010

Claim 19. (newly added) The non-skid protective cloth or pad as recited in claim 17, wherein said woven, single, absorbent upper layer comprises canvas.

Claim 20. (newly added) The non-skid protective cloth or pad as recited in claim 17, wherein said single lower, resilient layer comprises a network of downward projecting dimples interconnected by a resilient grid.

Claim 21. (newly added) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples comprise dimples of at least two different diameters.

Claim 22. (newly added) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting dimples comprise dimples of at least two different heights.

Claim 23. (newly added) The non-skid protective cloth or pad as recited in claim 20, wherein said downward projecting

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Amendment dated June 12, 2010
Reply to Office Action of April 1, 2010

dimples are separated one from another by an inter-dimple space.

Claim 24. (newly added) The non-skid protective cloth or pad as recited in claim 17, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 9 - 16 have been cancelled, without prejudice. Claims 17 - 24 have been newly added. Claims 1 - 4, have been amended. Claims 1 - 8 and 17 - 24 remain in the case.

The present invention features an absorbent painter's drop cloth having a bottom gripping surface adapted to hold the drop cloth in place on stairs and other such locations to ensure the safety of a painter or other tradesman working

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thereon by preventing slippage of the drop cloth on the environmental surface. The upper surface of the drop cloth features an absorbent upper surface to ensure paint or other such material spilled on the cloth is absorbed whereby tracking of the spilled paint is minimized or prevented.

Claims 1 - 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,296,919 for CUSHIONED CARPETED FLOOR MAT WITH AT LEAST ONE CUSHIONING INTEGRATED RUBBER PROTRUSION, issued October 2, 2001 to James N. Rockwell, Jr. et al. (hereinafter ROCKWELL), in view of United States Patent No. 6,610,382 for FRICTION CONTROL ARTICLE FOR WET AND DRY APPLICATIONS, issued August 26, 2003 to James J. Kobe et al. (hereinafter KOBE).

ROCKWELL teaches a multi layer composite floor mat. As may be seen in ROCKWELL FIGURE 4, a carpet pile component 20 is formed from a carrier fabric 30 and cut pile fabric 32. The carpet pile component is vulcanized to a first rubber sheet 16 having rubber strips 18 placed adjacent the perimeter of the floor mat.

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KOBE teaches a friction control article having a plurality of upstanding stems supported on one or more backing layers 22, 24 36 as seen in KOBE FIGURE 1.

As previously mentioned, the ROCKWELL upper component (i.e., carpet pile component 20) consisting of cut carpet piles 32 supported on a carrier fabric 30.

Applicants have amended claim 1 to change from an open claiming form (i.e., comprising) to a closed claim form (i.e., consisting of). Further, Applicants have amended claim 1 to recite that the upper component of their two layer structure consists of "a single, absorbent, plain woven upper layer free from any protecting cut pile and having an upper and a lower major surface." Applicants base their amendment upon a definition of canvas found on the Internet at Wikipedia.com.

"Modern canvas is usually made of cotton, although historically speaking, it was made from hemp. It differs from other heavy cotton fabrics, such as denim, in being plain weave rather than twill weave."

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Wikipedia further defines plain weave as:

"Plain weave (also called tabby weave or taffeta weave) is the most basic of three fundamental types of textile weaves. It is strong and hard-wearing, used for fashion and furnishing fabrics. In plain weave, the warp and weft are aligned so they form a simple criss-cross pattern. Each weft thread crosses the warp threads by going over one, then under the next, and so on. The next weft thread goes under the warp threads that its neighbor went over, and vice versa."

Applicants have added "adsorbent" to their recitation of element (a). This is clearly supported by the instant specification "Woven upper layer 102 is typically an absorbent, woven cotton material such as canvas or another canvas-like material." [Page 10, lines 8 - 10] Applicants believe that the amendment of claim 1, element (a) clearly results in a recitation that is patentably distinct from any teaching or suggestion of ROCKWELL. Further, no teaching or suggestion of KOBE modifies ROCKWELL in a manner to suggest Applicants' first, absorbent, plain woven upper layer.

Applicants have further amended element (b) of claim 1 to recite: "a single lower, resilient layer having an upper and a

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lower major surface...". Neither ROCKWELL nor KOBE teach or suggest a single lower layer.

The thin, two layer structure described and now claimed allows Applicant's drop cloth to readily conform to irregular surfaces, specifically stairs to protect the surfaces thereof while providing a safe, non skid surface for painters or other tradesmen to work on.

The amendment of claim 1 clearly overcomes its rejection under 35 U.S.C. §103(a) as being unpatentable over ROCKWELL in view of KOBE.

Claims 2 - 8 depend from claim 1 and merely recite additional limitations to a now allowable claim. Consequently, the amendment of claim 1 is seen to also overcome the rejection of claims 2 - 8 under 35 U.S.C. §103(a) as being unpatentable over ROCKWELL in view of KOBE.

Claims 9 - 16 have been cancelled, thereby rendering their rejection under 35 U.S.C. §103(a) as being unpatentable over ROCKWELL in view of KOBE moot.

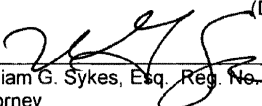
Docket No. WS-119 Page 11 of 12

Application. No. 12/460,763
Amendment dated June 12, 2010
Reply to Office Action of April 1, 2010

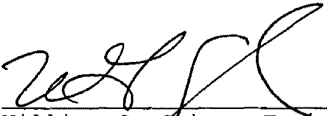
Newly added claims 17 - 24 have been structured in a manner similar to claims 1 - 8 and are also believed to define over ROCKWELL and/or KOBE.

Applicant respectfully requests that as all non-allowed claims are now cancelled that the application now be passed to issue.

Express MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:	
Mail Stop _____ Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
On <u>6/21/2010</u>	(Date of Deposit)
 William G. Sykes, Esq. Reg. No. 50,704 (Date) Attorney	

Respectfully submitted,


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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/460,763		Filing Date 07/27/2009		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I									
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)		
<input checked="" type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	165		N/A			
<input checked="" type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270		N/A			
<input checked="" type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$ =		OR	X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
			TOTAL	545		TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR OTHER THAN SMALL ENTITY	
AMENDMENT	06/21/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(g))	* 15	Minus ** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(b))	* 2	Minus *** 3	= 0	X \$110 =	0	OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR		
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(g))	*	Minus **	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(b))	*	Minus ***	=	X \$ =		OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR		
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

Legal Instrument Examiner:
/KATINA TOBIN/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,763	07/27/2009	Bradie Terracino	WS - 119	2753
71490	7590	04/01/2010		
WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455			EXAMINER SINGH-PANDEY, ARTI R	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			04/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/460,763	Applicant(s) TERRACINO ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 27 July 2009.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-16 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 7/27/2009.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date: _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6296919 issued to Rockwell Jr. et al. in view of US 6610382 issued to Kobe et al.

Rockwell et al teach the multilayered composite structure n layer and then additional provide a non-slip, cushioned, anti-fatigue carpeted floor covering article which permits cleaning of a pedestrian's footwear. Furthermore, it is an object of the invention to provide a carpeted floor covering article for which the portion which provides the cushioning characteristics simultaneously provides non-slip benefits. An additional object of this invention is to provide a non-slip, cushioned, antifatigue carpeted floor covering article in which the cushioning aspects are provided by at least one integrated rubber protrusion produced during the necessary vulcanization process. Still a further object of the invention is to provide a non-slip, cushioned carpeted floor covering article which possesses sufficient flexibility to withstand periodical laundering in industrial washing and drying machines. Yet another object of this invention is to provide a floor covering article which can substantially reduce a person's fatigue after standing on such an article for appreciable periods of time as compared with other standard floor covering articles. The cushioned floor covering article comprises a carrier fabric; a pile

material tufted into the carrier fabric which forms a pile surface on one side of the carrier fabric; and a vulcanized expanded backing sheet of rubber attached to the other side of the carrier fabric, wherein at least one protrusion integrated within said backing sheet is present on the side of the backing opposite the side to which the carrier fabric is attached. Therefore, Rockwell Jr., et al teaches the required layers but does to allude to the physical properties of the gripping protrusions. This is remedied by Kobe et al.

3. Kobe et al. discloses an improved friction control or gripping surface that has a pleasant and soft feel, high frictional properties and good gripping performance in both wet and dry conditions. The gripping surface is a soft micro-structured surface having an array of flexible upstanding stems of a variety of shapes produced from a thermoplastic elastomer. The size, spatial distribution, flexibility of the stems, stem array pattern, and the properties of the elastomer material all contribute to the soft feel of the surface, vibration dampening, and the gripping performance under wet and dry conditions. The various embodiments of the present friction or slip control surface may include micro-channels, an absorbent layer and hydrophilic/hydrophobic regions all for directing fluids away from the upstanding stems, leaving them dry and providing high frictional performance even in wet conditions. The present slip control article may be formed in a sheet structure, such as a wrap that can be applied to another article. Alternatively, the slip control article may be incorporated into a variety of molded or manufactured articles, including sport grips for golf clubs, baseball bats, racquets, bicycle handles, exercise equipment, household articles, construction and surgical tools,

non-slip walking surfaces for swimming pool decks, diving boards, bathtubs (column 1).

The Examiner is equating the gripping surface to be equivalent to the resilient layer and the stems to be the downward protruding dimples. The woven layer is equivalent to absorbent layer or the backing layer. There may be an adhesive applied to one side of the backing layer for means of attachment to an additional layer (columns 1 and 2).

Mechanical fasteners can also be used to attach. The arrays of upstanding stems come in various shapes and sizes and are taught in column 3. Said stems are constructed of an elastomeric material and may be of several layers depending on the desired end use. If more friction control is required the number of stems may be increased.

Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the gripping stems and they various shapes and configurations as taught by Kobe in the composite of Rockwell Jr. et al. One would have been motivated to do so in order to provide better suction control on the surface to which is it has been applied too.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arti Singh-Pandey whose telephone number is 571-272-1483. The examiner can normally be reached on M-R 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 12/460,763
Art Unit: 1794

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arti Singh-Pandey/
Primary Examiner
Art Unit 1794

AP

Notice of References Cited	Application/Control No. 12/460,763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1794	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,296,919	10-2001	Rockwell et al.	428/85
*	B	US-6,093,469	07-2000	Callas, Michael T.	428/95
*	C	US-6,610,382	08-2003	Kobe et al.	428/119
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)


Notice of References Cited

Part of Paper No. 20100329

<i>Index of Claims</i> 	Application/Control No. 12460763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.
	Examiner Arti Singh-Pandey	Art Unit 1794

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant			<input type="checkbox"/> CPA			<input type="checkbox"/> T.D.			<input type="checkbox"/> R.1.47			
CLAIM			DATE									
Final	Original	03/29/2010										
	1	✓										
	2	✓										
	3	✓										
	4	✓										
	5	✓										
	6	✓										
	7	✓										
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	11	✓										
	12	✓										
	13	✓										
	14	✓										
	15	✓										
	16	✓										

Search Notes 	Application/Control No. 12460763	Applicant(s)/Patent Under Reexamination TERRACINO ET AL.
	Examiner Arti Singh-Pandey	Art Unit 1794

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
east notes attached	03/22/2010	AP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET

CONFIRMATION NO. 2753

SERIAL NUMBER 12/460,763	FILING or 371(c) DATE 07/27/2009 RULE	CLASS 002	GROUP ART UNIT 1794	ATTORNEY DOCKET NO. WS - 119	
APPLICANTS Bradie Terracino, Virginia Beach, VA; Robert Terracino, Virginia Beach, VA; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 08/07/2009					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and <u>/ARTI R</u> <u>SINGH-PANDEY/</u> Acknowledged <u>Examiner's Signature</u> <u>Initials</u>		<input type="checkbox"/> Met after Allowance STATE OR COUNTRY VA	SHEETS DRAWINGS 3	TOTAL CLAIMS 16	INDEPENDENT CLAIMS 1
ADDRESS WILLIAMS G. SYKES 3669 SEAGULL BLUFF DRIVE VIRGINIA BEACH, VA 23455 UNITED STATES					
TITLE Non-skid protective cloth or pad					
FILING FEE RECEIVED 545	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	776	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
L4	2732735	(carrier or cloth or woven or fabric same cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
L5	167	L3 and L4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
L6	770463	cleats or tread or spike or protrusion	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
L7	30	L5 and L6	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 11:52
L8	2	("6296919").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/03/29 11:53
S1	26	((("1928943") or ("3488684") or ("0172545") or ("0152451") or ("200990068431") or ("20080131680") or ("20070275209") or ("20070220673") or ("20060162073") or ("7069607") or ("6961969") or ("6911407")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/03/26 23:04
S2	0	bradie adj3 terracino	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:19

EAST Search History

S3	0	robert adj terracino	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:19
S4	361	non skid pad	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:20
S5	0	S4 and (cheryl juska or arti singh)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:20
S6	0	S4 and arti	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:20
S7	0	arti rani singh	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:21
S8	0	arti singh	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:21
S9	71	S4 and (projection or nub or dimple or tread or suction cup or vacuum cup)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:22
S10	2	woven and S9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:22
S11	18	S4 same (projection or nub or dimple or tread or suction cup or vacuum cup)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:23
S12	0	non skid pad amd "milliken"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:25

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EAST Search History

S13	1	non skid pad and "milliken"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:25
S14	867	non skid pad	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	WITH	ON	2010/03/27 00:26
S15	65	S14 same (projection or nub or dimple or tread or suction cup or vacuum cup)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:27
S16	979	pad and "milliken"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/27 00:47
S17	776	(nonskid or nonslip) same (covering or pad or mat)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:16
S18	2521735	(carrier or cloth or fabric same cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:16
S19	2732735	(carrier or cloth or woven or fabric same cotton or canvas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:17
S20	167	S17 and S19	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:17
S21	770463	cleats or tread or spike or protrusion	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:17
S22	30	S20 and S21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:18

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EAST Search History

S23	306433	("428").CLAS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/03/29 10:18
S24	5	S22 and S23	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	ADJ	ON	2010/03/29 10:18

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Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 1

Application Number	
Filing Date	
First Named Inventor	Terracino, Bradie et al.
Art Unit	
Examiner Name	
Attorney Docket Number	WS - 119

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/A.S.P./		US- 1928943	10-03-1933	McKay	
/A.S.P./		US- 3488684	10-03-1933	Wrightson	
/A.S.P./		US- 1728545	09-17-1929	Haushalter	
/A.S.P./		US- 152451	06-30-1874	Allerton	
/A.S.P./		US- 200990068431	03-12-2009	Hoernigmann	
/A.S.P./		US- 20080131680	06-05-2008	Bilton	
/A.S.P./		US- 20070275209	11-29-2007	Netravali	
/A.S.P./		US- 20070220673	09-27-2007	Nichols	
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/A.S.P./		US- 6911407	06-28-2005	Sherrod	
		US-			
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		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				

Examiner Signature	/Arti Singh-Pandey/	Date Considered	03/26/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/460,763	07/27/2009	3765	545	WS - 119	16	1

CONFIRMATION NO. 2753

FILING RECEIPT



0000000037287678

71490
WILLIAMS G. SYKES
3669 SEAGULL BLUFF DRIVE
VIRGINIA BEACH, VA 23455

Date Mailed: 08/12/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Bradie Terracino, Virginia Beach, VA;
Robert Terracino, Virginia Beach, VA;

Power of Attorney: The patent practitioners associated with Customer Number 71490

Domestic Priority data as claimed by applicant

Foreign Applications

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/460,763**

Projected Publication Date: 01/27/2011

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Non-skid protective cloth or pad

Preliminary Class

002

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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page 2 of 3

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/460,763	07/27/2009	Bradie Terracino	WS - 119

71490
WILLIAMS G. SYKES
3669 SEAGULL BLUFF DRIVE
VIRGINIA BEACH, VA 23455

CONFIRMATION NO. 2753
POA ACCEPTANCE LETTER



Date Mailed: 08/12/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/27/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/rsantos/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

01919
072709

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12/460763
07/27/2009PTO/SB/05 (08-08)
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PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	WS - 119
First Inventor	Terracino, Bradie et al.
Title	Non-Skid Protective Cloth or Pad
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ **Fee Transmittal Form** (e.g., PTO/SB/17)
2. ☒ **Applicant claims small entity status.**
See 37 CFR 1.27.
3. ☒ **Specification** [Total Pages 20]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(a))
4. ☒ **Drawing(s)** (35 U.S.C. 113) [Total Sheets 3]
5. **Oath or Declaration** [Total Sheets]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ **Application Data Sheet.** See 37 CFR 1.76
7. ☐ **CD-ROM or CD-R** in duplicate, large table or
Computer Program (Appendix)
☐ Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, items a. - c. are required)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
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ACCOMPANYING APPLICATION PARTS

9. ☐ **Assignment Papers** (cover sheet & document(s))
Name of Assignee _____
10. ☐ **37 CFR 3.73(b) Statement** (when there is an assignee) ☐ **Power of Attorney**
11. ☐ **English Translation Document** (if applicable)
12. ☒ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
☐ Copies of citations attached
13. ☐ **Preliminary Amendment**
14. ☐ **Return Receipt Postcard** (MPEP 503)
(Should be specifically itemized)
15. ☐ **Certified Copy of Priority Document(s)**
(if foreign priority is claimed)
16. ☐ **Nonpublication Request** under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or equivalent.
17. ☐ **Other:** _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ Art Unit: _____

19. CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: 71490 OR ☐ Correspondence address below

Name			
Address			
City	State	Zip Code	
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Signature	<i>William G. Sykes</i>	Date	7/22/2009
Name (Print/Type)	William G. Sykes	Registration No. (Attorney/Agent)	50704

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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William Sykes Law
www.williamsykeslaw.com

3669 Seagull Bluff Drive • Virginia Beach, Virginia 23455 • Office: 757-490-8586 • Fax: 757-363-3405 • william@williamsykeslaw.com

July 22, 2009

Commissioner for Patents
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Alexandria, VA 22313-1450

Re: Utility Patent Application
Non-Skid Protective Cloth or Pad
Inventor: Terracino, Bradie and Robert
Attorney Registration No. 50704

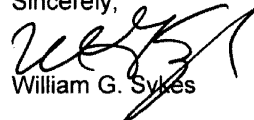
Dear Madam or Sir:

Enclosed is the utility patent application for Bradie and Robert Terracino including the following:

Utility Patent Application Transmittal
Fee Transmittal for FY 2009
Check #4103, 07/22/2009, \$545.00
Self Addressed, Stamped Post Card
Power of Attorney
Information Disclosure Statement by Applicant
Declaration for Utility Patent Application
Specification, Claims and Abstract
Three (3) Drawing Sheets

Please give me a call if you need any additional information. Thank you!

Sincerely,



William G. Sykes

cc: Bradie and Robert Terracino

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2009

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 545.00

Complete if Known

Application Number
Filing Date
First Named Inventor Terracino, Bradie et al.
Examiner Name
Art Unit
Attorney Docket No. WS - 119

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	545.00
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

- 20 or HP = x =
HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = x =
HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)


- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY

Signature  Registration No. 50704 Telephone 757-490-8586
Name (Print/Type) William G. Sykes (Attorney/Agent) Date 7/22/2008

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Docket No. WS-119

***APPLICATION
FOR
UNITED STATES LETTERS PATENT***

Title: Non-Skid Protective Cloth or Pad

Inventor: Bradie Terracino
Robert Terracino

NON-SKID PROTECTIVE CLOTH OR PAD

Field of the Invention:

The invention pertains to protective cloths or pads and, more particularly, to a protective cloth or pad that has a non-skid backing to hold the cloth or pad in position during use.

BACKGROUND OF THE INVENTION

Protective cloths and pads are well known and widely used. Such items range from simple thin polyethylene sheets used to protect surfaces during painting or similar operations to woven fabric drop cloths to quilted protective pads used by furniture movers and the like. For simplicity, the term drop cloth as used herein refers to any and all such cloths and pads, regardless of material or construction.

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In a typical use, drop cloths are placed on floors to provide protection. A common and serious problem is that frequently the drop cloths of the prior art may slip and slide relative to the floor upon which they are laid. Such slippage may range from a mild annoyance to a serious safety hazard when a drop cloth is placed upon a level floor. However, once such a drop cloth is used on a surface other than a level floor, the consequences of such slippage become much more serious. For example, drop cloths are commonly used to protect stairs. If the drop cloth slips, it is not uncommon for a person ascending or descending the stairs to slip and potentially tumble to the bottom of the stairs. Serious injuries frequently result from such a fall.

Discussion of the Related Art:

Several attempts have been made in the prior art to provide a non-slip surface for drop cloths and the like. For example, United States Patent No. 152,451 for IMPROVEMENTS IN WATER-PROOF FABRICS, issued June 17, 1874

to George M. Allerton discloses a woven woolen cloth having one surface covered with a rubber film.

United States Patent No. 1,728,545 for LINEMAN'S BLANKET, issued September 17, 1929 to Fred L. Haushalter provides a dielectric structure formed by a rubber insulating sheet and a fabric backing sheet to prevent stretching of the rubber.

United States Patent No. 1,928,943 for MATTRESS PROTECTOR, issued October 3, 1933 to John L. McKay teaches a waterproof sheet having eyelets disposed near its corners. Loops attached to the eyelets are used to secure the mattress protector, thereby preventing the slipping of the mattress protector on the mattress it is protecting.

United States Patent No. 3,488,684 for FLOOR COVERING, issued January 6, 1970 to John C. Wrightson shows a quilted, three-layer construction having a non-skid bottom layer for use as decorative rug.

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Published United States Patent Application No. 2001/0002615 for PROTECTIVE COVER SYSTEM, published June 7, 2001 upon application by Reginald Michael Lacross et al. discloses a covering system in which a cover constructed of a flexible sheet material is suitable for placement on a floor between a door frame and a room.

United States Patent No. 6,911,407 for NON-SLIP ABSORBENT ARTICLE, issued June 28, 2005 to Earle H. Sherrod et al. shows a multi-layer absorbent article suitable for use as a bed pad, a baby changing pad, a table cloth, etc. A non-adhesive, skid-resistant coating is applied to the bottom layer of the article.

United States Patent Nos. 6,961,969, 7,069,607, and 7,137,157, each for ABSORBENT TOWEL WITH PROJECTIONS, issued November 8, 2005, July 4, 2006, and November 21, 2006, respectively, to Susan Nichols each provide a towel having a base layer with raised projections to provide a higher coefficient of static friction relative to an

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external surface relative to other bottom surfaces common in the prior art.

United States Published Patent Application No. 2006/0162073 for ABSORBENT TOWEL WITH PROJECTIONS, published July 27, 2006 upon application by Susan Nichols shows a towel having a base layer with raised projections to provide a higher coefficient of static friction relative to an external surface relative to other bottom surfaces common in the prior art.

United States Published Patent Application No. 2007/0220673 for CLOTHING ARTICLE HAVING RAISED PROJECTIONS, published September 27, 2007 upon application by Susan Nichols shows a towel having a base layer with raised projections to provide a higher coefficient of static friction than the base layer relative to an external surface.

United States Published Patent Application No. 2007/0275209 for NON-SKID DROP CLOTH, published November

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29, 2007 upon application by Anal Netravali et al.
discloses a single layer plastic sheet having raised
dimples on one or both sides.

United States Published Patent Application No.
2008/0131680 for ABSORBENT NON-SKID DROP CLOTH, published
June 5, 2008 upon application by Richard James Bliton et
al. teaches a multi-layer article having a lofted, non-
woven layer and a non-skid barrier layer bonded thereto.

United States Published Patent Application No.
2009/0068431 for ONE-SIDED TACKY POLYOLEFIN FILM, published
March 12, 2009 upon application by Martin F. Hoenigmann
provides a plastic sheet with a tacky surface designed to
prevent slippage of the sheet

None of the patents and published patent applications,
taken singly, or in any combination are seen to teach or
suggest the novel non-skid protective cloth or pad of the
present invention.

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SUMMARY OF THE INVENTION

In accordance with the present invention there is provided a two-layer, non-skid protective pad for use as a painter's drop cloth or as a protective pad for surfaces such as boat decks, airplane wings or other surfaces where a non-skid pad is essential. The pad has a woven upper member, typically of a cotton canvas-like material, and a lower, resilient member. The two layers are typically stitched together. The lower, resilient member typically comprises downward-projecting dimples, often of two or more different sizes. The dimples are joined by a grid of resilient material. In alternate embodiments, an impervious member may be inserted between the upper and lower members.

It is, therefore, an object of the invention to provide a protective cloth or pad that includes a resilient, non-skid surface to prevent movement of the cloth or pad on the surface upon which it is placed.

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It is another object of the invention to provide a protective cloth or pad which is conformable to irregular surfaces such as stairs and remains in position once placed thereupon.

It is an additional object of the invention to provide a protective cloth or pad that has a resilient lower member having a grid of downward protruding, interconnected dimples.

It is a further object of the invention to provide a protective cloth or pad having a woven fabric upper member.

It is a still further object of the invention to provide a protective cloth or pad that, optionally, may contain an interposed impervious member.

BRIEF DESCRIPTION OF THE DRAWINGS

Various objects, features, and attendant advantages of the present invention will become more fully appreciated as the same becomes better understood when considered in conjunction with the accompanying drawings, in which like reference characters designate the same or similar parts throughout the several views, and wherein:

FIGURE 1 is a side, elevational, cross-sectional, schematic view of a portion of the non-skid protective cloth or pad in accordance with the invention;

FIGURE 2 is a bottom plan view of the resilient layer of the non-skid protective cloth or pad of FIGURE 1; and

FIGURE 3 is a bottom plan view of the resilient layer of the non-skid protective cloth or pad of FIGURE 1 but containing an interposed impervious layer.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

The present invention provides non-skid protective cloth or pad for a variety of applications.

Referring first to FIGURE 1, there is shown a side, elevational, cross-sectional, schematic view of a portion of the non-skid protective cloth or pad in accordance with the invention, generally at reference number 100.

Pad 100 has two layers - a woven upper layer 102 and a lower, resilient layer 104. Woven upper layer 102 is typically an absorbent, woven cotton material such as canvas or another canvas-like material. For purposes of disclosure, an 8-ounce material has been chosen. Canvas may be treated with a waterproofing material, if desired. Such a treatment, however, renders the upper woven layer 102 non-absorbent which may impair the function of upper woven layer 102 to absorb paint or other material spilled

thereupon. It will, however, be recognized by those of skill in the art that other weight materials may be chosen depending upon the desired application in which cloth 100 is to be utilized. It will further be recognized that woven materials other than cotton may be selected to meet a particular operating circumstance or environment. Consequently, the invention is not limited to the 8-ounce canvas chosen for purposes of disclosure. Rather the invention covers any suitable material and weight.

A lower, resilient layer 104 is bonded to woven upper layer 102, typically by through stitching 112. It will be recognized that methods and/or materials other than stitching may be utilized to secure upper woven layer 102 to lower, resilient layer 104. Some possible choices include, but are not limited to adhesive fastening, hook-and-loop fasteners, mechanical fasteners, etc.

Referring now also to FIGURE 2, Lower resilient layer 104 has a plurality downward-projecting dimples 106a, 106b. Dimples 106a are typically larger than dimples 106b. As

shown in FIGURE 1, larger dimples 106a are shown having a greater height than smaller dimples 106b. In alternate embodiments, larger and smaller dimples 106a and 106b, respectively, may have a substantially identical height. In still other embodiments, smaller dimples 106b may have a height larger than larger dimples 106a.

Dimples 106a, 106b are interconnected by resilient web segments 108. An inter-dimples space 110 remains between dimples. As seen in FIGURE 1, inter-dimple space is shown schematically to be between a larger dimple 106a and a smaller dimple 106b. However, inter-dimple space 110 may be between any two larger dimples 106a or between any two smaller dimples 106b as well as between larger dimple 106a and smaller dimple 106b as shown for purposes of disclosure.

In operation, cloth 100 is placed on a surface to be protected, not shown, resilient layer 104 towards the surface. Dimples 106a, 106b grip the surface, especially

when compressed by the weight of a person, not shown,
directly over a particular portion of cloth 100.

One exemplary use of cloth 100 is to protect a surface from paint, varnish, stain, etc. The choice of material for upper woven layer 102 allows paint or other material to be at least partially absorbed by the layer. Unlike impervious drop cloths (i.e., thin plastic sheets), the partially absorbed paint is typically less prone to tracking by a person stepping in the spilled paint than is paint spilled on a non-absorbing cloth of the prior art. In addition, cloth 100 may be laundered to remove soluble paint or other materials.

Cloth 100 may also be utilized to protect a delicate surface from being scratched or marred. One environment where cloth 100 is particularly useful is on a set of stairs. Once positioned, cloth 100 remains in place, thereby providing a safe, stable surface on the stairs as workmen ascend and descend the stairs. It will be recognized that the choice of materials, weights,

thicknesses, etc. will determine the overall flexibility of cloth 100 for applications such as stairs.

An example of the use of cloth 100 as a protective pad, maintenance routines periodically require mechanics to walk on the upper surface of an airplane wing. The use of cloth 100 on the wing not only protects the delicate wing surface but provides a much more secure surface upon which the mechanic may walk or stand. Even though the surface of the wing is typically curved, the novel construction of cloth 100 greatly improves the security of the mechanic.

Another exemplary use of cloth 100 is to protect delicate surfaces of boat decks in an environment where they frequently become wet and slippery. Cloth 100 remains in place on the deck, even wet, and provides a non-slip upper surface (i.e., the upper surface of upper woven layer 102) upon which boat passengers may walk. Because cloth 100 typically lacks an impermeable membrane, air may flow through cloth 100, thereby allowing the cloth and the surface therebelow to dry.

In an alternate embodiment, a third layer, typically an impermeable layer 114 may be interposed between woven upper layer 102 and resilient layer 104. This is shown in FIGURE 3.

Since other modifications and changes varied to fit particular operating requirements and environments will be apparent to those skilled in the art, the invention is not considered limited to the example chosen for purposes of disclosure, and covers all changes and modifications which do not constitute departures from the true spirit and scope of this invention.

Having thus described the invention, what is desired to be protected by Letters Patent is presented in the subsequently appended claims.

What is claimed is:

1. A non-skid protective cloth or pad, comprising:

a) a woven, upper layer having an upper and a lower major surface;

b) a lower, resilient layer having an upper and a lower major surface, said upper major surface of said lower resilient layer being disposed adjacent said lower layer of said woven upper layer; and

c) means for fastening said upper, woven layer to said lower resilient layer.

2. The non-skid protective cloth or pad as recited in claim 1, wherein said woven, upper layer comprises a woven cotton fabric.

3. The non-skid protective cloth or pad as recited in claim 1, wherein said woven, upper layer comprises canvas.

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4. The non-skid protective cloth or pad as recited in claim 1, wherein said lower, resilient layer comprises a network of downward projecting dimples interconnected by resilient grid.

5. The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different diameters.

6. The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples comprise dimples of at least two different heights.

7. The non-skid protective cloth or pad as recited in claim 4, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

8. The non-skid protective cloth or pad as recited in claim 1, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

9. The non-skid protective cloth or pad as recited in claim 1, further comprising:

d) an impervious member interposed between said upper, woven layer and said lower, resilient member. wherein said woven, upper layer comprises a woven cotton fabric.

10. The non-skid protective cloth or pad as recited in claim 9, wherein said woven, upper layer comprises a woven cotton fabric.

11. The non-skid protective cloth or pad as recited in claim 9, wherein said woven, upper layer comprises canvas.

12. The non-skid protective cloth or pad as recited in claim 9, wherein said lower, resilient layer comprises a network of downward projecting dimples interconnected by resilient grid.

13. The non-skid protective cloth or pad as recited in claim 12, wherein said downward projecting dimples comprise dimples of at least two different diameters.

14. The non-skid protective cloth or pad as recited in claim 12, wherein said downward projecting dimples comprise dimples of at least two different heights.

15. The non-skid protective cloth or pad as recited in claim 12, wherein said downward projecting dimples are separated one from another by an inter-dimple space.

16. The non-skid protective cloth or pad as recited in claim 9, wherein said means for fastening comprises at least one from the group: stitching, adhesive, hook-and-loop fasteners, and mechanical fasteners.

ABSTRACT OF THE DISCLOSURE

A two-layer, non-skid protective cloth or pad for use as a painter's drop cloth or as a protective pad for surfaces such as boat decks, airplane wings or other surfaces where a non-skid pad is essential. The pad has a woven upper member, typically of a cotton canvas-like material, and a lower, resilient member. The two layers are typically stitched together. The lower, resilient member typically comprises downward-projecting dimples, often of two or more different sizes. The dimples are joined by a grid of resilient material. In alternate embodiments, an impervious member may be inserted between the upper and lower members.

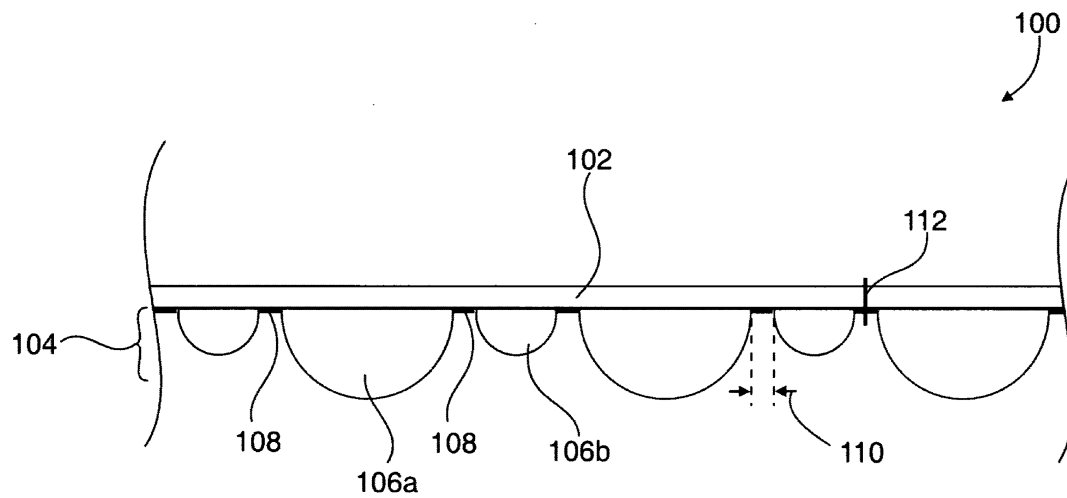


Figure 1

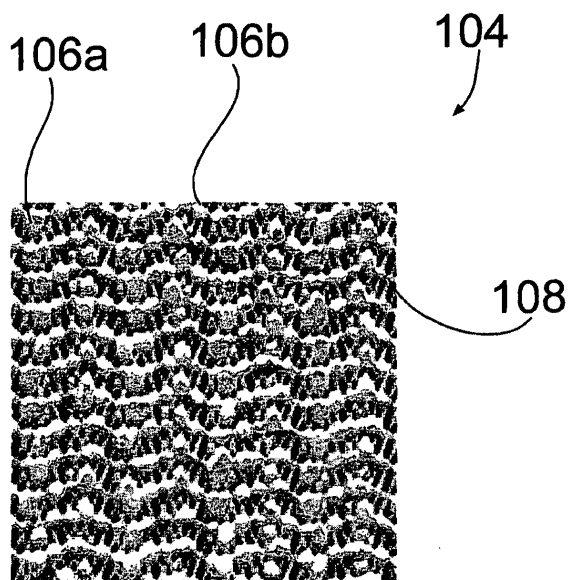


Figure 2

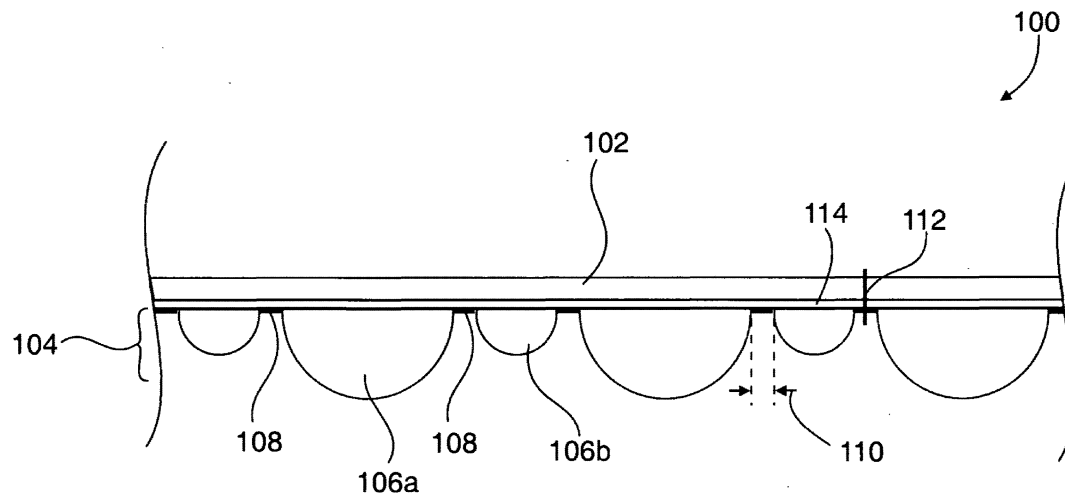


Figure 3

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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	
	Filing Date	
	First Named Inventor	Terracino, Bradie
	Title	Non-Skid Protective Cloth or
	Art Unit	
	Examiner Name	
	Attorney Docket Number	WS - 119

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

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I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Bradie Terracino

Date

7/22/09

Name

Bradie Terracino

Telephone

757-301-9501

Title and Company

Inventor

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	
	Filing Date	
	First Named Inventor	Terracino, Bradie
	Title	Non-Skid Protective Cloth or
	Art Unit	
	Examiner Name	
	Attorney Docket Number	WS - 119

I hereby revoke all previous powers of attorney given in the above-identified application.

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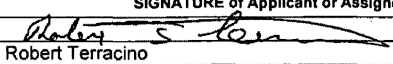
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☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature		Date	7/22/2009
Name	Robert Terracino	Telephone	757-301-9501
Title and Company	Inventor		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Doc Code: Oath

Document Description: Oath or declaration filed

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)	Attorney Docket Number	WS - 119
	First Named Inventor	Terracino, Bradie
	COMPLETE IF KNOWN	
	Application Number	
	Filing Date	
	Art Unit	
<input checked="" type="checkbox"/> Declaration Submitted With Initial Filing	OR	<input type="checkbox"/> Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)
Examiner Name		

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention titled:

NON - SKID PROTECTIVE CLOTH OR PAD

(Title of the Invention)

the application of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) _____ as United States Application Number or PCT International

Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

☒ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION — Utility or Design Patent Application

Claim of Foreign Priority Benefits


I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application number(s) are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 2 of 3]

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> The address associated with Customer Number: 71490		OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City		State	Zip
Country	Telephone	Email	
<p style="text-align: center;">WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: <i>Patent Application Files</i>. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: <i>Deposit Accounts and Electronic Funds Transfer Profiles</i>.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Bradie		Terracino	
Inventor's Signature		Date	
		7/22/2009	
Residence: City	State	Country	Citizenship
Virginia Beach	Virginia	USA	USA
Mailing Address			
3017 Egyptian Lane			
City	State	Zip	Country
Virginia Beach	Virginia	23456	USA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto			

[Page 3 of 3]

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet Page 2 of 2
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Robert		Terracino	
Inventor's Signature <i>Robert S. Terracino</i>		Date 7/22/2009	
Virginia Beach Residence: City	Virginia State	USA Country	USA Citizenship
3017 Egyptian Lane Mailing Address			
Virginia Beach City	Virginia State	23456 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Terracino, Bradie et al.
Art Unit	
Examiner Name	
Attorney Docket Number	WS - 119

Sheet 1 of 1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 1928943	10-03-1933	McKay	
		US- 3488684	10-03-1933	Wrightson	
		US- 1728545	09-17-1929	Haushalter	
		US- 152451	06-30-1874	Allerton	
		US- 200990068431	03-12-2009	Hoernigmann	
		US- 20080131680	06-05-2008	Bilton	
		US- 20070275209	11-29-2007	Netravali	
		US- 20070220673	09-27-2007	Nichols	
		US- 20060162073	07-27-2006	Nichols	
		US- 7069607	07-04-2006	Nichols	
		US- 6961969	11-08-2005	Nichols	
		US- 6911407	06-28-2005	Sherrod	
		US-			
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		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ "Number" "Kind Code" (if known)				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

07/27/2009 CNGUYEN2 00000040 12460763

01 FC:2011	165.00 OP
02 FC:2111	270.00 OP
03 FC:2311	110.00 OP

PTO-1556
(5/87)

*U.S. Government Printing Office: 2002- 489-267/69033

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PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number 12460763	
Substitute for Form PTO-875						
APPLICATION AS FILED – PART I						
		(Column 1)	(Column 2)	SMALL ENTITY OR OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	RATE (\$) FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	\$165	N/A \$330
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A		N/A	\$270	N/A \$540
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	\$110	N/A \$220
TOTAL CLAIMS (37 CFR 1.16(j))	16	minus 20 =		X \$26 =	—	X \$52 =
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1	minus 3 =		X \$110 =	—	X \$220 =
APPLICATION SIZE FEE (37 CFR 1.16(e))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			\$135		\$270
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				\$195		\$390
				TOTAL	545	TOTAL
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
		(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$) ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	X \$26 =	X \$52 =
	Independent (37 CFR 1.16(i))	*	Minus ***	=	X \$110 =	X \$220 =
	Application Size Fee (37 CFR 1.16(s))			\$195		\$390
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			TOTAL ADD'L FEE		TOTAL ADD'L FEE
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$) ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	X \$26 =	X \$52 =
	Independent (37 CFR 1.16(i))	*	Minus ***	=	X \$110 =	X \$220 =
	Application Size Fee (37 CFR 1.16(s))			\$195		\$390
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			TOTAL ADD'L FEE		TOTAL ADD'L FEE
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>						

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